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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-11216 of 2016
Date of decision: August 01, 2016

Tarlok Singh

......Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. A.S. Gagrha, Advocate
for the petitioner.

Ms. Rajni Gupta, Addl. AG Punjab.

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

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A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties and perused the reply filed by the State on affidavit.

The reasons recorded by the learned trial Judge vide order dated 25.02.2016 in Para-5 reads as under:-

> *"5. The case is registered on the basis of complaint moved by Assistant Registrar, Co-operative Society Baba Bakala. In his complaint dated 17.12.2015, he stated that at the time of inspection of record of the said society, it came to notice that applicant-accused who was salesman of the said society has misused his position. Members of the society reported that whatever loan amount is shown against their accounts, they had not taken that loan. Rather that loan amount was misappropriated by applicant-accused. The allegation against him is that he had misappropriated the amount to the tune of Rs.1,55,55,746/- in connivance with Secretary Jasbir Singh of the said society."*

Similarly, I quote the following portion from Para-4 of the reply filed by the prosecution:-

> *"xxxxxx. The petitioner used to receive the loan amount from the members of the society for depositing in their respective accounts and used to get signed cheques from the members (borrowers) also. When the petitioner used to receive amount and cheques from the members (borrowers) he used to make entries in their respective pass books for depositing of loan amount in the Bank. But the petitioner did not deposit the whole amount in the Bank rather he with the connivance of the accused (Bank officials) used to get made fake transactions entries in the respective accounts with regard to depositing the previous loan amount and withdrawal of new loan amount. Whereas, neither the previous loan amount was being deposited nor the members had got sanctioned new loan from the Banks. Actually, the petitioner kept no embezzling the amount, which he used to receive from the members for depositing in their respective accounts, thereafter, the petitioner with the connivance of Bank officials (accused) in order to keep the accounts of the members (borrowers) intact and in operation used to get these fake entries in their respective accounts. xxxxxx"*

Upon hearing the learned counsel for the rival parties, I find that the petitioner was admittedly Salesman of the Cooperative Society disbursing loan to the farmers. Petitioner, prima-facie appears to have indulged in misappropriation of the loan amount. Counsel for the petitioner vehemently contended that there is no evidence to show that it was he, who have embezzled the amount and the petitioner is entitled to grant the benefit of anticipatory bail.

It is not possible to agree with the contentions made by the learned counsel for the petitioner since fraud that took place is of around

₹1.5 crores and the petitioner was admittedly Salesman. Whether or not he has embezzled the amount is a matter of investigation on the basis of various inquiry reports as well as papers. The custodial interrogation of the petitioner is *sine qua non* to find out the criminal role of the petitioner.

In that view of the matter, I am not inclined to grant the benefit of anticipatory bail to the petitioner. Accordingly, petition for grant of anticipatory bail to the petitioner, stands dismissed.

(A.B. CHAUDHARI)
JUDGE

August 01, 2016
mahavir