

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M No.13309 of 2016 (O&M)

Date of Decision: 23.04.2016

Naresh Kumar

..... Petitioner

Vs.

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Hardyal Singh Batth, Advocate for the petitioner.

JASWANT SINGH, J. (Oral)

The prayer is for grant of anticipatory bail under Section 438 Cr.P.C. to the petitioner/accused-Naresh Kumar in case FIR No.41 dated 15.03.2016, under Section 409 of the Indian Penal Code, registered with Police Station City Rupnagar, District Rupnagar.

The allegation against the petitioner is that while being posted as Post Master in the Head Post Office, Ropar, he was in the habit of misappropriating the amounts of receipts. A representative of the State Bank of India had tendered 463 articles along with an amount of Rs.10,186/- but the petitioner/accused deposited only 140 receipts and a sum of Rs.3,080/-, while misappropriating the remaining articles and the amount of Rs.7,106/-. He is further alleged to have misappropriated a sum of Rs.3,120 on 13.08.2014, Rs.8,000/- on 14.08.2014, Rs.7,600/- on 01.09.2014 and Rs.4,100/- on 10.09.2014 and another amount of Rs.4,500/- of a money order No.3668.

Learned Counsel for the petitioner submits that the said amounts, allegedly misappropriated by him, have since been deposited and as such, nothing is to be recovered from him.

After hearing learned Counsel for the petitioner and perusing the paper-book, no case for grant of anticipatory bail to the petitioner is made out.

The dishonest intention of the petitioner is apparent from the fact that the amounts misappropriated in the year 2014 have been allegedly deposited after detection and a lapse of substantial period of time. The petitioner being a public servant was the custodian not only of the government money but also of the faith of the public, which he has substantially shattered.

In the opinion of this Court, the custodial interrogation of the petitioner would be required to elicit other instances of such misappropriation, which may not have been identified till today, as also for proper and fair investigation.

Accordingly, the present petition stands dismissed.

April 23, 2016
Gagan

(JASWANT SINGH)
JUDGE