

CRM-M-27706 of 2016 (O&M)

[1]

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

Sr. No. 209

CRM No.M-27706 of 2016 (O&M)

Date of decision: August 26, 2016

Major Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Nakul Sharma, Advocate,
for the petitioner.

Mr. P.S. Paul, DAG, Punjab.

Mr. Rajesh Kumar Girdhar, Advocate,
for the complainant.

JASPAL SINGH, J.

CRM No.24585 of 2016

Application is allowed as prayed for.

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By virtue of the instant petition preferred under Section 438 of the Code of Criminal Procedure, the petitioner has sought the pre-arrest bail, feeling apprehension of his arrest, in case bearing FIR No.169, dated July 26, 2016, under Sections 420, 406 & 381 IPC, registered at Police Station City Ferozepur, District Ferozepur.

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2. The instant FIR has been registered on the basis of the statement of complainant-Pushpinder Singh to the effect that petitioner-Major Singh was appointed as Clerk (Munim) for looking after his business. As per the prosecution case, petitioner embezzled the huge amount of Rs.35,19,355/- and stolen Rs. 45,000/- along with important documents.

3. Learned counsel for the petitioner has contended that petitioner has been falsely implicated in this case. In fact, petitioner had instituted a civil suit for decree of permanent injunction against the police officials including SHO, Police Station City, Ferozepur and the complainant restraining them from effecting recovery of any amount from him through coercive methods. The complainant, as a counter-blast, in connivance with the police official got the instant FIR registered against him by making false and frivolous allegations. Petitioner was working as a Driver and his work was only to deliver goods to the agencies as told by the complainant. There is no documentary evidence to show that any embezzlement has been done by the petitioner. He was a Driver and was not competent to become accountant. Petitioner never managed the account of the complainant's-firm. Learned counsel further contends that petitioner is ready to join the investigation and shall abide by all the terms and conditions imposed upon him, in case, he is granted the concession of interim bail.

4. Per contra, learned counsel for the respondents submitted that petitioner-accused is not entitled to the concession of interim bail. Petitioner has embezzled the amount of Rs.35,19,355/-. Petitioner also given in writing that he would render the amount due towards him but failed to do so.

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5. This court has given an anxious thought to the aforesaid submissions made by learned counsel for both the parties and perused the record available.

6. The present case against the petitioner-accused was registered after thorough enquiry. Police recorded the statements of Gobind Bhatti, Major Singh, Raj Kumar and Jasdeep Singh etc. During enquiry, it revealed that petitioner had, in fact, received the amount. The custodial interrogation of the petitioner is required to un-earth all the ramifications involved in the instant case inasmuch as, recovery of amount remains to be effected.

7. Keeping in view the seriousness and gravity of offence, this court is of the considered view that no case for grant of interim bail is made out.

8. Dismissed.

August 26, 2016
Avin/Ankur

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No