

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

(204)

CRM-M-32665-2016

Decided on: November 17, 2016.

Vijay Kumar

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Munish Puri, Advocate, for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

M.M.S. BEDI, J (ORAL)

The petitioner is son of Bal Kishan who was working as Gramin Dak Sewak at Post Office and is alleged to have embezzled the amount which was deposited by various depositors in the post office which was being run in his shop. The said accused, after his arrest, has been granted concession of regular bail. So far as the petitioner is concerned, he has been involved in the case on the allegation that he connived with his father.

Learned State counsel has drawn attention of this Court on the statements of Subhash PW and other witnesses to persuade this Court to believe regarding the connivance and culpability of the petitioner in the capacity as son of the main accused Bal Kishan

As per the statements of prosecution witnesses under Section 161 Cr.P.C, the petitioner had come into picture after the embezzlement has been committed by his father and had allegedly made certain entries and had also returned money.

Learned counsel for the petitioner has referred to the statement of Sher Singh under Section 161 Cr.P.C indicating the culpability of the petitioner.

The culpability and connivance of the petitioner with his father will certainly be a debatable issue. Statement of Sher Singh appears to have been recorded on 28.11.2015 when the FIR was registered on 16.06.2015.

Without expression of any opinion on merits of the case, the petitioner can be granted the concession of pre-arrest bail.

The petition is allowed. It is ordered that in case of arrest of petitioner, he will be released on bail to the satisfaction of the arresting officer subject to the conditions that he will join investigation as and when required; he will not tamper with the evidence or hamper the investigation in any manner; he will not directly or indirectly make any inducement or threat to any person acquainted with the facts of the case and he will not leave India without the permission of the Court.

(M.M.S. BEDI)
JUDGE

November 17, 2016
harsha

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No