

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

CRM-M No. 38589 of 2016
Date of decision : December 22, 2016

Mamta

..... Petitioner

v.

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Ms. GK Mann, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, Addl. AG Punjab

Mr. APS Sandhu, Advocate
for the complainant.

Ajay Tewari, J (Oral)

The petitioner seeks grant of regular bail in case FIR No.06,
dated 3.2.2016, registered under Sections 420, 409 of the IPC, at Police
Station Jhander, District Amritsar.

On 15.11.2016, the following order was passed :-

“ This petition has been filed under Section 439
Cr.P.C. for grant of regular bail to the petitioner in
case F.I.R. No.06 dated 03.02.2016 registered under
Sections 420/409 IPC at Police Station Jhander,

District Amritsar.

As per the allegation the petitioner was working as Accounts Clerk in a School and had embezzled a sum of Rs.17,80,000/- odd.

Learned counsel for the petitioner has argued that actually the petitioner was working as Teacher and has been in custody since 27.09.2016.

Learned Additional Advocate General states that the petitioner had returned Rs.3,20,000/- and had given cheques for the remaining amount which have bounced.

Learned counsel for the petitioner states that she will seek instructions as to whether the petitioner would be in a position to settle the issue.

Custody certificate by way of affidavit of Shivraj Singh Nandgarh, officiating Superintendent, Central Jail, Amritsar on behalf of State has been filed and the same is taken on record. Copy supplied to the counsel opposite. As per custody certificate the petitioner has undergone actual sentence of 01 month and 15 days of custody.

Adjourned to 23.11.2016.”

Today, learned counsel for the petitioner, however, states that the petitioner is not guilty and, therefore, is not in a position to return the money.

Counsel for the complainant states that this is the money which was misappropriated from a school and in case the petitioner has to be released on bail, some provision has to be made that in case she is found guilty, she will have to return the money. Counsel for the petitioner, on instructions from Sukhdev Kumar son of Chaman Lal, brother of the petitioner, states that there is a house belonging to him and

his mother and both of them would give an affidavit that in case the

petitioner is found guilty and the Court also gives a finding that as to how much money the petitioner had misappropriated, the complainant can recover that amount by the sale of the house.

Learned Addl. AG Punjab, on instructions from ASI Joginder Singh, as well as counsel for the complainant have expressed their satisfaction at this offer.

In these circumstances, without commenting upon the merits of the case, and keeping in view the period of custody already suffered by the petitioner, I do not deem it appropriate to deny the concession of regular bail to the petitioner. Let the petitioner be released on bail to the satisfaction of the trial Court/Duty Magistrate, on the submission of the affidavits as aforesaid. Petition stands disposed of.

December 22, 2016
`kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No