

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

CRM-M-40707-2015 (O&M).

Decided on: April 12, 2016.

Mohinder Singh

.. Petitioner(s)

VERSUS

State of Punjab

.. Respondent(s)

*** * ***

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

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**PRESENT Mr.J.S.Gill, Advocate,
for the petitioner.**

Ms.H.K.Athwal, DAG. Punjab.

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

This is a petition seeking concession of pre-arrest bail filed by the petitioner in FIR No.40 dated 13.4.2007, under Sections 420, 467, 468 471, 409 and 120-B IPC, registered at Police Station, Machhiwara.

The petitioner had filed a petition CRM-M-35733 of 2007, as a complainant before this Court seeking a direction for handing over investigation in the present FIR to the CBI. Vide order dated 10.2.2015, on the petition filed by the petitioner and others, a Coordinate Bench of this Court had directed to refer the investigation to Special Investigation Team. During the course of investigation taken by the Special Investigation Team, the petitioner has also been arrayed as an accused.

On notice having been issued to the State, a report has been submitted by Chief Investigating Officer-cum-ACP South, Ludhiana, to the effect that the petitioner was also a member of Machhiwara Cooperative Agricultural Service Society Limited, Machhiwara. Being executing member, he had also allegedly signed a resolution dated 22.8.2005 by virtue of which, the Management Committee, had passed a resolution delegating the authority to record the proceedings to Rajinder Singh Cashier/Secretary of the said Society. The said cashier prepared list of eligible members of Machhiwara Cooperative Agricultural Service Society Limited, Machhiwara, who were entitled for cash credit limit for the season 2005-06.

The allegation against the petitioner is that he had also signed the proceedings book wherein 99 fake persons had been included and misappropriated the amount of cash credit limit. During the course of arguments, it has been informed by the counsel for the petitioner that the Assistant Registrar, Cooperative Societies, in enquiry found that it was Rajinder Singh, Cashier, who had prepared the list of eligible persons. He had also deposited a sum of Rs.1,20,000,00/- with the Society having been wrongly got released.

Taking into consideration, the above said circumstances, it appears that culpability of petitioner Mohinder Singh or his connivance with Rajinder Singh will be a debatable issue. He has already joined investigation. The records of the year

2004-05, have already been taken over by the Special Investigation Team. It does not appear to be a case of custodial interrogation so far as the petitioner is concerned.

The petition is allowed. It is ordered that in case of arrest of the petitioner, he shall be released on bail to the satisfaction of the investigating officer subject to the conditions that the petitioner will join investigation as and when required and will not tamper with the evidence. The petitioner will also not take any steps to delay the investigation or the proceedings in the Court.

(M.M.S. BEDI)
JUDGE

April 12, 2016.
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