

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

CRM-M -7801 of 2016 (O&M)

Date of decision: 05.09.2016

Baljeet Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Bipan Ghai, Sr. Advocate with
Mr. Paras Talwar, Advocate
for the petitioner.

Mr. Harsimrat Rai, DAG, Punjab
assisted by ASI Jagtar Singh.

Mr. Anupam Gupta, Sr. Advocate with
Mr. G.S. Nahel, Advocate and
Mr. R.S. Sidhu, Advocate for the complainant.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.10, dated 16.02.2016, registered under Sections 406, 408, 420 and 120-B IPC, at Police Station Cheema, District Sangrur.

On 03.03.2016, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in case FIR No.10 dated 16.02.2016, under

Sections 406/408/420/120-B IPC, registered at Police Station Cheema, District Sangrur.

A brief factual backdrop leading to the registration of the FIR would be necessary.

A complaint dated 18.01.2016 was made by the Secretary, Kalgidhar Trust V.P.O. Baru Sahib, District Sirmour, Himachal Pradesh to the Deputy Commissioner, Sangrur with regard to embezzlement/defalcation of the funds by Mr. Jaivinder Singh who was also stated to be one of the trustee of the Kalgidhar Trust. Copy of the complaint has been placed on record at Annexure P-7. As per accusations contained in the complaint, Mr. Jaivinder Singh between the period 21.11.2015 and 18.12.2015 has unauthorizedly collected a sum of Rs.24 lacs from the Principal of Akal Academy, Cheema Sahib i.e. the present petitioner. Such funds so collected are stated to have been embezzled. There are further allegations against Mr. Jaivinder Singh as regards selling of three vehicles belonging to the trust, starting construction activities at village Rajia without prior approval/permission and embezzlement of about Rs.40 lacs donation in the form of grants collected from villagers and such donation having been made in favour of the trust. Insofar as the present petitioner is concerned, it was stated in the complaint that she was the former Principal of Akal Academy, Cheema Sahib and despite having been placed under suspension has been holding on to funds/fees amounting to Rs.9 lacs since 01.01.2016 whereas such funds should have been deposited into the bank accounts of the trust.

Apparently, the complainant also filed CRM No.M-3030 of 2016 before this Court seeking directions for the police to register a case based on the accusations contained in the complaint referred to hereinabove. The petition was

disposed of by this Court on 28.01.2016 directing the Deputy Commissioner/District Magistrate to decide the representation already submitted.

Counsel would submit that in pursuance to such directions, inquiry had been marked to Deputy Superintendent of Police, Sunam to go into the allegations and upon the inquiry, report dated 12.02.2016 having been furnished, the FIR in question has been registered.

During the course of arguments today, Dr. Anmol Rattan Sidhu, Senior Advocate has put in appearance on behalf of the complainant and has assisted the Court. He has also made available for perusal of this Court the concluding/operative part of the report dated 12.02.2016 of the Deputy Superintendent of Police, Sunam upon which the FIR is founded. The same is in vernacular and has been perused. The prima facie conclusion drawn is that a sum of Rs.25,37,622/- has been spent by Mr. Jaivinder Singh on construction activities at Gurudwara Sahib, village Dhaula, District Sri Muktsar Sahib without due authorization and the present petitioner had entrusted a sum of Rs.9 lacs approximately to Mr. Jaivinder Singh for such purpose.

Learned Senior counsel appearing for the petitioner has vehemently argued that even during the course of inquiry conducted by Deputy Superintendent of Police, Sunam, the petitioner had duly associated and had furnished all requisite documents pertaining to funds entrusted to Mr. Jaivinder Singh in the capacity of a trustee of Kalgidhar Trust. It is submitted that even the statements of the Contractor who had carried out the construction had been recorded. All relevant documents had already been furnished to the Inquiry Officer. It is submitted that the petitioner is even now ready and willing to associate and to appear before the Investigating Agency after registration of

the FIR.

During the course of arguments, it has also gone uncontroverted that the present petitioner has been transferred out from the Akal Academy, Cheema Sahib on 20.12.2015 and thereafter, has been placed under suspension on 08.01.2016.

Learned Senior counsel appearing for the complainant has also informed the Court that in pursuance to a petition having been preferred in this Court, directions have been issued whereby the present petitioner is not to interfere in the administration of the affairs of Akal Academy, Cheema Sahib and directions have also been issued for conduct of examination etc. under the supervision of one Mrs. Sudarpan.

Under such circumstances, this Court is inclined to extend the concession of ad interim protection as regards arrest in favour of the petitioner.

Notice of motion, returnable for 23.05.2016.

In the meanwhile, petitioner is directed to appear before the Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and she shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

It is contended that in pursuance of the order dated 03.03.2016, the petitioner has joined the investigation.

The learned State counsel, on instructions, submits that the petitioner has joined the investigation and she is not required for

custodial interrogation.

The learned counsel for the complainant states that the petitioner had been repeatedly interfering in the matter of Akal Academy, Cheema Sahib and a complaint was addressed to the police and the District Administrator.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 03.03.2016, is made absolute, subject to the conditions contained in Section 438(2) Cr.P.C. The State is directed to look into the complaint/representation moved by the complainant and decide the same as per law.

The petition stands allowed.

05.09.2016
sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable:	Yes	No