

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

**Crl. Misc. No.M-22749 of 2017 (O&M)
Date of Decision: July 24, 2017**

Balbir Singh

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Manoj Sharma, Advocate
for the petitioner (s).

Ms. Rajni Gupta, Senior D.A.G., Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.49 dated 18.05.2017 registered for the offences punishable under Sections 420, 465, 467, 468 and 471 of Indian Penal Code, at Police Station Khamanon, District Fatehgarh Sahib.

Heard.

The allegation against the petitioner is that he, while posted as Secretary of Co-operative Society, Khamanon, advanced loan worth lakhs of rupees to ineligible members. He had also withdrawn a sum of ₹3 lakh by forging the signature of Jasbir Singh, who is living abroad and later withdrawn a sum of ₹1,80,000/- from his account.

Learned counsel for the petitioner submits that in audit report,

it was found that petitioner had advanced a loan of ₹51,81,065/- to ineligible members of the society. So far as this allegation of advancement of loan to ineligible members of the society is concerned, the same at the most was a lapse and not a criminal offence on the part of petitioner. In inquiries, it was observed that this is a lapse on the part of the petitioner, which disclosed no offence against him. The allegations of withdrawal of amount from the account of Jasbir Singh are baseless and not supported by any evidence.

Learned State counsel on instructions from SI Jaswant Singh submits that police had obtained the report of Handwriting and Finger Prints Expert which clearly shows that the amount of ₹3 lakh from the account of Jasbir Singh was withdrawn by the petitioner by forging his signatures. Specimen signatures of Jasbir Singh did not tally with his signatures on the cheque through which amount was withdrawn by the petitioner.

It appears that the petitioner admitted this allegations when he executed a compromise, copy of which has been placed on file as Annexure P-13, which reads as follows:-

“Mutual Compromise

Today on dated 9.7.2013, the complaint in writing which has been made by Jasbir Singh S/o Sandhu Singh Caste Jatt R/o Ward No.6, Khamanon Khurd against Balbir Singh S/o Kartar Singh R/o Ward No.2 Khamanon Co-operative Society Khamanon Kalan and in which Jasbir Singh had doubt in Accounts book of his A/c No.246/02, but the transactions made in this account has been made clear to him. Besides this account, the amount of ₹2,80,000/- (Two Lacs Eighty Thousands) which Balbir Singh had borrowed from Jasbir Singh, out of it

₹1,00,000/- (One Lac) has been repaid and Rs. One Lac Eighty Thousands are outstanding and which amount of Rs. One Lac Eighty Thousands will be paid by said Balbir Singh. This agreement has been reached with any pressure with the consent of both the parties.”

The petitioner was posted at a very important post of Secretary of the Society and was also maintaining the account books. Though in this compromise, he has tried to cover up the entire fraud by alleging a loan transaction with Jasbir Singh, yet his conduct as Secretary of the Society calls for thorough investigation for which his custodial interrogation will be required.

Keeping in view the above facts, I do not find it a fit case to exercise the discretionary powers of this Court to extend the benefit of pre-arrest bail to the petitioner. This bail application has no merits.

Dismissed.

July 24, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***