

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

CRM-M-32326-2017
Date of decision: 12.10.2017

HC Iqbal Singh

.... Petitioner

versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE A.B.CHAUDHARI

Present: Mr. A.K.Walia, Advocate
for the petitioner.

Mr. Ramandeep Singh Sandhu, DAG, Punjab.

A.B.Chaudhari, J.(Oral)

The petitioner seeks anticipatory bail by way of this petition filed under Section 438 Cr.PC in case FIR No.100 dated 19.05.2017 under Sections 13(1)(c), 13(2) of Prevention of Corruption Act, 1988 and Section 409 IPC registered at Police Station Raman, District Bathinda.

Heard learned counsel for the rival parties.

Learned counsel for the petitioner has vehemently argued that the petitioner was incharge of Police Station Raman till 26.03.2016 and thereafter he was transferred to Police Station Maur.

Learned State counsel submits that the case property was deposited with the Police Malkhana on 05.10.2015.

In para 3 of the petition itself, the petitioner has mentioned that the petitioner was present on 05.10.2015 as incharge of the Police Malkhana and in view of the fact that he was transferred thereafter, it cannot be said that there is no prima facie case against the petitioner as the valuable

property of the case was lying in his custody.

Learned State counsel further submits that DDR No.23 dated 05.10.2015 is the entry in which the valuable case property was handed over to the petitioner. In the order dated 30.05.2017, learned Addl. Sessions Judge, Bathinda has also noted as under:

“As per the allegations in the FIR, the applicant Iqbal Singh was deputed as MHC and was thus incharge of the Malkhana and it was his duty to keep the case property so deposited by the investigating officer/SHO with him in the Malkhana in safe custody. It was also his duty to fill register No.19 by giving full description of the property so deposited with him. Moreover, the involvement of C.Manpreet Singh is alleged by stating that he had an easy access to the Malkhana and used to take various case properties to the Courts, as such C. Manpreet Singh might have got keys with him. The disappearance of the case property consisting of various material such as Indian Currency notes as well as foreign currency and even arms and ammunition is very serious as the same do not only amount to misappropriation, but is also a direct interference in the administration of Justice.”

This Court is shocked to see that despite repeated judgments rendered by Hon'ble the Supreme Court not to deposit the valuable case property like cash in the Police Malkhana, in the present case, the Indian Currency of Rs.4,11,710/- in case, 3090 Canadian Dollars, 11624 American Dollars, pearls, gold and silver ornaments and other valuable materials were deposited with the Police Malkhana on 05.10.2015, contrary to the Apex Court's judgments.

In my opinion, the DSP who was the investigating officer ought to have himself overseen the deposit of all the valuable currency etc. with

Government Treasury. It was certainly the responsibility of the DSP a higher and responsible officer to do so but he handed over the valuable property to the SHO and went in slumber.

DGP, Punjab, Haryana & UT, Chandigarh is directed to circulate the notification as per the judgment of the Apex Court that valuable case properties should be deposited only in the government treasury and not in the Police Malkhana. It shall also contain the direction that in case the property is deposited in the Police Malkhana, the concerned person will have to face the arrest as well as departmental action. The compliance shall be made and report shall be submitted in any case on 24.10.2017 by way of an affidavit.

In so far as the present case is concerned, there is prima face case against the petitioner. The petitioner has relied upon the order dated 13.06.2017 passed by the Coordinate Bench of the Court whereby Manpreet Singh - petitioner therein was granted interim bail and at the end, on the submission of the State counsel, this Court has made the order dated 13.06.2017 absolute. The case of the petitioner is totally different from Manpreet Singh because the petitioner himself in his petition has admitted that he was incharge of the police Malkhana till 26.03.2016.

The present petition is dismissed.

The copy of order be given dasti to the State counsel under the signatures of Bench Secretary of this Court.

12.10.2017
sonia

(A.B.CHAUDHARI)
JUDGE

1. Whether speaking/non-speaking? Yes/No

2. Whether reportable?	Yes/No
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