

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

CRM No.M-1191 of 2018 (O&M)

Date of Decision: August 08, 2018

Krishan Chand Goel

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.J.S.Bedi, Senior Advocate with
Mr.Sonepreet Singh Brar, Advocate
for the petitioner.

Mr.B.S.Virk, DAG, Haryana
for the respondent-State.

Mr.Sunil Panwar, Advocate
for the complainant.

INDERJIT SINGH, J.

CRM No.27219 of 2018

The application is allowed, subject to all just exceptions.

Replication is taken on record.

CRM No.M-1191 of 2018

Petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.10 dated 15.12.2017 under Sections 409, 420, 467, 468, 471 IPC and Sections 13(1)(c) and 13(1)(d) of the Prevention of Corruption Act, registered at Police Station Vigilance Bureau, Panchkula.

Notice of motion was issued. Learned State counsel as well as learned counsel for the complainant appeared and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

As per the allegations, present petitioner was the Chairman, Pharmacy Council, Haryana. He caused loss to the Council by withdrawing an amount of ₹8,40,000/- on the ground of making payment to the Advocates' fees etc. regarding personal cases. It is also the case of the prosecution that at the time of Audit inspection, ₹6,56,115/- was deposited by the present petitioner and after the Audit, the amount was again withdrawn.

Learned counsel for the petitioner has shown the copy of Resolution passed by the Council wherein it is written that in the cases filed by the then Registrar against the Council or the Members of the Council, the fees will be reimbursed from the Council funds. Learned counsel for the petitioner argued that at the time of Audit inspection, an objection was raised and therefore, the amount was deposited but after the Audit objection, again Resolution was passed. The amount deposited has been withdrawn in view the latest Resolution passed on 14.03.2017. It is also argued that there is no dispute that present petitioner defended cases filed by the then Registrar.

The petitioner has already joined the investigation. He is not required for investigation or custodial interrogation. Nothing is to be recovered from him. The case is based on documentary evidence. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the case and

without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find it a fit case, where the petitioner is entitled to benefit of anticipatory bail. Therefore, the present petition is accepted and the order dated 17.01.2018 granting interim bail to the petitioner, is made absolute.

August 08, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No