

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CRM-M-17028 of 2018**  
**Date of Decision: 07.05.2018**

HC Satnam Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

**CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. P.K.S. Phoolka, Advocate  
for the petitioner.

Mr. Amandeep Singh Gill, Sr. DAG, Punjab.

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**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. 63 dated 23.03.2018 registered for the offences punishable under Sections 409 of Indian Penal Code (IPC) and 7 and 13 (1) 88 of Prevention of Corruption Act, at Police Station Nathana, District Bathinda.

Heard.

FIR was registered against the petitioner under the order of Deputy Superintendent of Police (Sub Division Bhuchio, Bathinda) regarding loss/misappropriation of ₹14,11,050/- lying in *malkhana*. As per allegations in the FIR, the petitioner was given opportunity to complete the cash lying in *malkhana* as per his written applications dated 20.06.2016 and 01.07.2016.

Learned counsel for the petitioner submits that petitioner was functioning at Police Station Nathana under overall incharge Harbans Singh, Station House Officer (SHO). Bungling of amount, if any, was made

by SHO and not by the petitioner.

Learned State counsel submits that he has not received the file. However, on the basis of facts mentioned in the FIR, he has opposed the bail application.

Being incharge of *malkhana* in Police Station, petitioner was *prima facie* responsible to account for the articles lying therein. He vide his applications before the police had undertaken to make good the loss of amount lying in the *malkhana*, which shows that he has admitted his culpability. Even if, this contention of learned counsel for the petitioner be considered at this stage that SHO Harbans Singh had misappropriated the aforesaid amount, still the petitioner being custodian of case property lying in police station cannot escape his liability. He is under liability to explain as to why being incharge of *malkhana* he allowed the SHO to misappropriate the money/articles lying therein.

The offences referred in the FIR is quite serious in nature for which custodial interrogation of the petitioner is required. I find no merit in this petition and the same is dismissed.

It is, however, made clear that observations made in this order are only for the purpose of disposal of this petition and will not be considered as opinion on merit on the case of petitioner at any point of time.

**May 07, 2018**  
**jk**

**( SURINDER GUPTA )**  
**JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No