

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

CRM-M-25822-2017

Date of decision:-7.3.2018

Gurinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr. B.S. Cheema, Advocate
for the petitioner.

Mr.Ramandeep Sandhu, Sr.D.A.G., Punjab.

Mr.A.K. Walia, Advocate
for the complainant.

H.S. MADAAN, J.

The instant petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by petitioner – Gurinder Singh, an accused in FIR No.58 dated 26.6.2017, under Section 406 IPC, registered with Police Station Longowal, District Sangrur, Punjab.

Briefly stated, facts of the case as per prosecution story are that New School Welfare Committee village Duggan had submitted a written complaint to police against Balwant Singh, President and Gurinder Singh, Treasurer of the committee alleging therein that the school has about 9.5 acres of land and income from the land is used for maintenance and up-keeping of the school; that in the year 2010, School Welfare Committee was formed with Balwant Singh as President and Gurinder Singh as Treasurer; that a sum of Rs.5,99,492/- was given to that

committee besides that the committee used to receive Rs.4,50,000/- per annum, however, the details/accounts of the expenses were not maintained and amount collected was not spent for welfare and up-keeping of school. On receipt of the complaint, the matter was inquired into by SHO of Police Station Longowal, who got prepared technical report from an Architect showing deficit of Rs.38/39 lakhs. Therefore, formal FIR for an offence under Section 406 IPC was registered.

Apprehending his arrest in this case, the petitioner had approached the Court of Sessions for grant of pre-arrest bail but his such application was declined by learned Additional Sessions Judge, Sangrur vide order dated 6.7.2017. Feeling aggrieved, he has approached this Court for grant of similar relief.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Learned State counsel on instructions from ASI Gurbax Singh from Police Station Longowal has made a statement that petitioner has since joined the investigation. The necessary record has been taken into possession, therefore, the petitioner is not required by the police for custodial interrogation.

Though learned counsel for the complainant has opposed the petition submitting that since a huge scam of more than Rs.38/39 lakhs involving the petitioner is there as is evident from report of SHO, Police Station Longowal, petitioner be not granted pre-arrest bail. But at the same time, it is to be kept in mind that DSP Sunam had conducted an inquiry into the matter finding the amount to be Rs.1,80,839/-, which has

since been deposited by the petitioner with the School Welfare Committee. Therefore, it is a fit case to grant pre-arrest bail to the petitioner.

Under the circumstances, the interim bail granted to the petitioner on 20.7.2017 is made absolute, subject to his fulfilling conditions under Section 438(2) Cr.P.C.

The petition stands allowed accordingly.

7.3.2018

Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No