

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31833 of 2018
Date of Decision: 30.07.2018

Harbant Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. PS Thiara, Advocate, for the petitioner.

Mr. Mohd. Yousaf, Advocate,
for the complainant.

RAMENDRA JAIN, J. (ORAL)

Prayer in the instant petition under Section 438 Cr.P.C. has been made for grant of anticipatory bail to petitioner Harbant Singh in a case arising from FIR No.92 dated 23.06.2018 under Sections 408/420 IPC, registered at Police Station Bhogpur, District Jalandhar Rural.

According to the prosecution, the petitioner as a Secretary to Loharan Cooperative Agri-Multipurpose Service Society Ltd. has embezzled more than ₹2.00 crores, misusing his official capacity.

Learned counsel for the petitioner *inter alia* contends that according to letter Annexure P-2 written by Inspector, Cooperative Societies to the SSP (Rural), Jalandhar, the amount in dispute is around ₹27.00 lakh, but aggregated figure has been given in the FIR. Even otherwise, functioning limit of the society, in which the petitioner is Secretary, is only ₹90.00 lakh. Therefore, no question of any embezzlement more than the said amount arises. ₹7.00 lakh has already been deposited by

effected from the petitioner. Therefore, he is not required for any custodial interrogation. Audit has not been done after March, 2015. Therefore, it is still debatable from where the figure of ₹2.00 crores, allegedly embezzled by the petitioner has surfaced.

On the other hand, learned counsel for the complainant, who has not been impleaded as a party and has appeared on his own, strongly opposing the submissions of learned counsel for the petitioner submits that the amount of embezzlement is not ₹2.00 crores. Rather, the same is more than ₹3.00 crores. The petitioner issued receipts under his signatures, but did not deposit the amount in the accounts of the society. Similarly, he issued fixed deposit receipts to the members under his signatures, which were never issued by the society.

Considering over all facts and circumstances, but without commenting on merits of the case, this Court is of the view that the custodial interrogation of the petitioner is required, keeping in view the serious allegation of usurping huge amount by the petitioner of innocent people/members. Therefore, he does not deserve any concession of bail.

Dismissed.

July 30, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No