

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-31897-2017

Date of decision: 06.02.2018

Shiv Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. R.S. Rana, Advocate  
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

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ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.10 dated 29.07.2017 under Sections 420, 409, 467, 468, 471, 120-B IPC, registered at Police Station Civil Lines, Jind.

On 29.08.2017, the following order was passed: -

*“Counsel for the petitioner submits that the petitioner retired as Platoon Commander on 31.01.2016 and at that time, he was holding the charge of A.D.O. Counsel for the petitioner further submits that immediately before his retirement, the petitioner was served with a show cause notice alleging some embezzlement and the petitioner has replied to the show cause notice and the audit report. It is further submitted that in reply to the show cause notice, the petitioner has stated that if any genuine amount is due against him, he will deposit the said amount. It is also submitted that earlier an enquiry was conducted by the department against 03 DDOs namely V.K. Sheoran, O.P. Kundu and Pardeep Narayan who are still in service along with the petitioner (since retired). Counsel for the petitioner further submits that the petitioner was subordinate to the aforesaid persons and was*

*wrongly held liable as per enquiry dated 18.05.2016 forming basis of the present FIR. It is further submitted that the FIR is registered after a delay of 01 year and 03 months from the date of alleged enquiry report dated 18.05.2016, when the petitioner has already retired and he is not in possession of any official record.*

*Notice of motion for 12.10.2017.”*

Thereafter, the petitioner has joined the investigation.

It is submitted on behalf of the petitioner that the petitioner has handed over all the relevant documents to the Investigating Officer, Police Station Economic Cell, Jind.

Learned State counsel, on instructions from HC Sultan Singh, has not disputed the factual position that the petitioner has joined the investigation, however, submitted that recovery of amount is to be effected from the petitioner.

In reply, learned counsel for the petitioner submits that all the pensionary benefits of the petitioner have been withheld and departmental inquiry is also pending against the petitioner.

Without commenting anything on merits of the case, in view of the fact that the petitioner has joined the investigation, the order dated 29.08.2017 is made absolute subject to the conditions as envisaged under Section 438 (2) Cr.P.C.

**[ ARVIND SINGH SANGWAN ]**  
**JUDGE**

06.02.2018

*vishnu*

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No