

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-33541-2018

Date of Decision:08.10.2018

Sheesh Pal Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Parvez Chugh, Advocate,
for the petitioner.

Mr. Manish Bansal, D.A.G., Haryana.

HARI PAL VERMA, J.(Oral)

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in case FIR No.04/2009 dated 08.09.2009 under Sections 409, 420, 120-B IPC, registered at Police Station Vigilance, Panchkula, Haryana.

Petitioner is a retired District Education Officer. The FIR was registered in 2009, whereas petitioner was stated to have retired from service on 31.12.2006. As per FIR which is based on the inquiry report, it is found that in the year 2004-05, Sh. Jagdish Chander Kaushik, Editor, Sasharat Patrika supplied only 66,786 magazines, whereas as per contract, 1,61,856 magazines were required to be supplied. Sh. Jagdish Chander Kaushik has received ₹18,09,245/- from the Education Department, whereas as per numbers of magazines so supplied @ ₹25/- per megazine, the due

amount was only ₹16,69,650/-. Thus, an amount of ₹1,39,595/- has been

paid in excess by producing false facts and records. The petitioner was District Education Officer at the relevant time and therefore, he has also been arrayed as an accused during inquiry in the case.

Vide order dated 06.08.2018, this Court while granting interim bail to the petitioner, had directed the petitioner to join the investigation.

Learned State counsel, on instructions from Inspector Davinder, states that the petitioner has joined the investigation but he is not cooperating.

I have heard learned counsel for the parties.

Be that as it may, considering the fact that the FIR was registered in 2009, whereas petitioner was retired from service in 2006 and the order for supply of magazines was of the year 2004-05, this Court finds that all these matters are to be adjudicated upon during the trial.

Accordingly, present petition is allowed and the interim bail granted to the petitioner vide order dated 06.08.2018 is made absolute.

However, if required, the petitioner shall continue to join investigation as and when required to do so and shall abide by the terms and conditions, as laid down under Section 438(2) Cr.P.C.

October 08, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No