

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

205

CRM-M-45659 of 2017 (O&M)

Date of Decision: 09.02.2018

Sunil Khanna and another

....Petitioners

vs.

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. B.D. Sharma, Advocate
for the petitioners.

Mr. S.S. Sandhu, AAG, Punjab.

TEJINDER SINGH DHINDSA, J. (Oral)

This order shall dispose of the instant petition filed under Section 438 Cr.P.C., seeking concession of anticipatory bail to the petitioners in FIR No.148 dated 07.11.2017, under Sections 420 & 408 of Indian Penal Code, registered at Police Station Sadar, Kapurthala.

On 01.12.2017, while issuing notice of motion, the following order was passed by this Court:-

“Prayer in the instant petition under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No. 148 dated 07.11.2017 registered under Sections 420 and 408 IPC at Police Station Sadar, Kapurthala.

According to the prosecution, during departmental enquiry by a Committee, constituted

by Deputy Commissioner, Kapurthala, the petitioners prima facie were found involved in committing irregularities while issuing tickets involving financial implications. The petitioners used to issue tickets without number and time by using their login ID. They also issued multiple tickets of the same bar code by tampering with the hardware and in this way misappropriated the money collected from the general public.

Learned counsel inter alia contends that the computer on which the petitioners used to work was faulty since, 2009. Several times, the cash amount, when found in excess, was deposited by the petitioners with the authorities. In fact, the server related to the computer was faulty and the management/complainant of the petitioners never gave proper attention to their requests for making necessary corrections in the computer system, rather to save their own skin submitted a false report.

Considering the overall facts and circumstances of the case, but without commenting on the merits of the case, the petitioners are directed to join investigation as and when called by the Investigating Officer. In the event of arrest, they shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. They shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.

Notice of motion for 09.02.2018.”

Learned State counsel upon instructions from the police

official, appraises the Court that the petitioners have since joined investigation and are co-operating in the matter. State counsel further submits that loss to the state exchequer against the backdrop of the allegations is to the tune of ₹11,000/-.

There is no rebuttal to the assertion made by counsel representing the petitioner that after registration of the FIR, the petitioners have been placed under suspension.

In the totality of circumstances and the petitioners having been joined the investigation, this Court is of the considered view that their custodial interrogation would not be warranted.

Petition is allowed.

The order dated 01.12.2017, is made absolute.

(TEJINDER SINGH DHINDSA)
JUDGE

09.02.2018
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Whether speaking/reasoned : ***Yes***
Whether reportable : ***No***