

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48596-2018

Date of Decision: 07.12.2018

Malwinder Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. S.S. Rang, Advocate for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

...

Inderjit Singh, J. (Oral)

Petitioner Malwinder Singh has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.41 dated 27.02.2018, registered at Police Station City Kharar, District Mohali, under Sections 406, 409, 420 and 120-B of Indian Penal Code and Sections 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act (added later on)

Notice of motion was issued.

Learned State counsel has appeared on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

Learned counsel for the petitioner has submitted that in the departmental inquiry, the disputed amount relating to the petitioner has been shown as spent on the salaries and office expenditure. Learned State counsel was directed to verify this fact and today he has made the statement that this

fact has been verified and found correct. The Additional District Commissioner, SAS Nagar Mohali has exonerated the present petitioner in the departmental enquiry

In pursuance of the interim order dated 12.11.2018, passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. No useful purpose would be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 12.11.2018, granting interim bail to the petitioner, is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

07.12.2018
Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No