

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

CRM-M No.4519 of 2019

Reserved on: 07.02.2019

Date of decision: 11.02.2019

Jugraj Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ramesh Sharma, Advocate for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN J.

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.184 dated 18.09.2018 registered under Section 409 IPC at Police Station Lehra, District Sangrur.

As per the allegations in the FIR, which was got registered by the Assistant Registrar Co-operative Society, it is alleged that during the physical verification of the stock of Rampura Jawaharwala Multipurpose Agriculture Service Society Limited (in short 'the Society'), 62 tonnes and 250 kgs. of DAP and 183 tonnes of urea fertilizer was found short, the value of the stock which was found short is about Rs.24.20 lacs and therefore, it was requested that FIR be registered against the petitioner, who is Secretary in the Society.

Counsel for the petitioner has submitted that in fact, the petitioner is a Secretary of the Society and as per the resolution passed

by the members of the Society, he has given the stock of urea and DAP on credit to the members of the society and therefore, at the time of physical verification, there was a shortage of the stock. Counsel for the petitioner has further argued that in fact it is a case where the recovery is to be effected from the members of the Society. It is further submitted that the petitioner is in custody since 20.10.2018 and the conclusion of the trial will take long time and the petitioner's custody is no more required.

In reply, counsel for the State has submitted that there are serious allegations against the petitioner regarding the embezzlement of urea and DAP of the Society wherein number of farmers are members and by manipulating the documents, the petitioner has committed the embezzlement. It is further argued by counsel for the State that the petitioner is involved in one more FIR of similar nature.

After hearing the counsel for the parties, I find no ground to grant regular bail to the petitioner. It is not disputed that the petitioner at the relevant time was working as a Secretary of the Society and when the Inspector of the Co-operative Society, Dirba conducted the physical verification of the stock, the aforesaid deficiency was found, valuing Rs.24.20 lacs. Mere fact that some resolution dated 23.12.2017 by Managing Committee for distributing the stock to the members without clearing their previous dues is of no help to the petitioner as being the Incharge of the stock, he was to act as per the instructions and rules of the Society. As per the instructions/rules, the Managing Committee or the Secretary could not issue urea/DAP on credit to the members, who have not cleared their previous dues of the

Society and the prosecution has doubted the manner, in which the resolution dated 23.12.2017 was made.

For the foregoing reasons and considering the serious allegations against the petitioner, finding no ground, the petition fails and is accordingly dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

11.02.2019
yakub

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No