

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19477-2019
DECIDED ON: 07.05.2019

HARBANT SINGH

...PETITIONER..

VERSUS

STATE OF PUNJAB

...RESPONDENT..

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Sandeep Arora, Advocate for the petitioner.

Mr. Mohd. Yousaf, Advocate for the complainant(s).

RAMENDRA JAIN, J. (ORAL)

Prayer in this petition under Section 438 Cr.P.C. has been made for grant of anticipatory bail to the petitioner, in case, FIR No.92 dated 23.06.2018, registered under Sections 408, 420 IPC (Section 409 IPC added later on) at Police Station Bhagpur, District Jalandhar Rural.

According to the prosecution, the petitioner as a Secretary to Lohran Cooperative Agri-Multipurpose Service Society Ltd. in official capacity embezzled more than ₹3 crores of innocent villagers, farmers and ex-servicemen etc. The petitioner approached this Court twice for grant of anticipatory bail, but remained unsuccessful, as his both petitions bearing CRM-M-31833-2018 and CRM-M-36378-2018 were dismissed vide separate orders dated 30.07.2018 and 29.08.2018 (Annexures P-3 and P-4 respectively). Thereafter, left with no other

option, the petitioner influenced the police and as a friendly match surrendered before it for investigation. Since, the petitioner had purchased the investigating officer, therefore, he intentionally and deliberately, may be for some extraneous reasons, did not file final report under Section 173 (2) Cr.P.C. within the prescribed period under Section 167 (2) Cr.P.C., facilitating the petitioner to get bail as a right. Consequently, in connivance with the investigating officer and police department, the petitioner got success in his evil design for getting bail. Thereafter, on the basis of legal opinion given by District Attorney, Section 409 IPC was added. Accordingly, final report under Section 173 (2) Cr.P.C. was filed in the court. That is how, for the third time, the petitioner is before this Court for grant of anticipatory bail to him under Section 409 IPC.

Learned counsel for the petitioner contends that the investigating officer sought opinion from the Assistant Registrar, Cooperative Society, as to whether the petitioner was a government employee, who, in turn, informed in the negative vide letter dated 15.06.2018 (P-7). Learned public prosecutor only raised objection regarding adding of Section 409 IPC and no investigation was carried out qua committing of offence under Section 409 IPC by the petitioner.

Mr. Mohd. Yousaf, Advocate has appeared on his own and filed power of attorney on behalf of the complainants, though, they have not been impleaded as party. The same is taken on record. Be

tagged at appropriate place.

8-10 old persons, including ex-servicemen and farmers cheated by the petitioner are present in Court and have shown physical copies of fixed deposit receipts issued by the petitioner to them against deposit of their hard money or retiral benefits with the aforesaid society. The conduct of the petitioner and the police shows that the petitioner is of great criminal ilk and can adopt any illegal mean to circumvent law. Such type of offenders do not deserve any concession of anticipatory bail.

Writing a letter to the Assistant Registrar by the investigating officer is an overt-act to illegally help the petitioner, inasmuch as, there was no need for it. The District Attorney has specifically opined that Section 409 IPC should be added. Therefore, it is not an objection, rather, is a specific opinion.

Having heard learned counsel for the parties, this Court is of the considered view that petitioner does not deserve the concession of anticipatory bail. Dismissed.

Copy of this order be sent to DGP, Punjab for information and necessary action.

07.05.2019*sonika***(RAMENDRA JAIN)
JUDGE****Whether speaking/reasoned****Yes/No****Whether reportable****Yes/No**