

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

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**CRM-M No.19833 of 2019 (O&M).
Date of Decision: 08.05.2019.**

Rakesh Kumar alias Danny

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Dheeraj Mahajan, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, Deputy Advocate General, Punjab.

Shekher Dhawan, J.

Present petition under Section 439 of the Code of Criminal Procedure is for grant of regular bail to the petitioner in case F.I.R. No.54 dated 19.11.2018 under Section 408 of the Indian Penal Code, registered at Police Station Qadian, Police District Batala, District Gurdaspur.

As per prosecution, the allegations against the petitioner are that, while working as President of the Balmiki Society, he had misappropriated a sum of Rs.68,89,790/-, the amount, which he had received on account of rent and security belonging to the shops and that amount has not been deposited in the account of Bhagwan Balmiki Sabha.

Learned counsel for the petitioner contended that the petitioner has been falsely implicated in this case at the instance of complainant, who is now President of the Bhagwan Balmiki Sabha. The petitioner is in

custody since 20.11.2018 and trial of the case still to take some more time,

so, he be released on bail. Learned counsel for the petitioner has placed reliance upon the judgment of co-ordinate Bench of this Court in case **Palar Ram vs. State of Haryana, 1992(3) R.C.R.(Criminal) 122** wherein it was held that the FIR can only be lodged by the Registrar under Section 21 of the Societies Registration Act and the FIR was quashed in that case.

Learned State counsel opposed the prayer for bail on the ground that the allegations against the petitioner are serious in nature and the facts of the present case are entirely distinguishable from the facts of **Pale Ram's case (supra)**, so the petitioner does not deserve the concession of bail.

Having considered the submissions made by learned counsel for both the parties and appraisal of the record, this Court is of the considered view that the petitioner herein was working as President of Bhagwan Balmiki Sabha and during his tenure, he has allegedly misappropriated the huge amount of Rs.65,89,790/- collected on account of rent and security of the shops belonging to the said Sabha. The facts of the case in hand are entirely distinguishable from the facts of the **Palar Ram's case (supra)**.

In view of the above, no case is made out for grant of regular bail to the petitioner and the present petition stands dismissed.

(SHEKHER DHAWAN)
JUDGE

08.05.2019
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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No