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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20084-2019 (O&M)
Date of decision-16.12.2019

Anubhav Sethi

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

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

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.69 dated 20.04.2019 under Sections 420 and 409 of Indian Penal Code, 1860 registered at Police Station Sadar Hoshiarpur, District Hoshiarpur. The petitioner apprehended his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 03.05.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends that the Post Office situated at Bharwain Road, Hoshiarpur was being run by two officials, namely, Rajinder Kumar (Incharge) and Jaswinder Pal (Peon). There were various agents who used to collect money from the depositors and used to deposit the same in said Post

Office. The mother of the petitioner was one such agent. It is the case set up by the prosecution that Rajinder Kumar expired on 25.03.2019 (late night) after the brief illness of three days and the new incumbent in his place detected some embezzlement of Rs.13,26,430/- . Upon inquiry, the petitioner being son of Sh.Bhupinder Sethi was indicted on the ground that on two occasions i.e. on 23.03.2019 and 25.03.2019, he got deposited the money. According to him, allegation is that the petitioner used to assist Kamal son of Rajinder Kumar who was actually handling the affair of the Post Office being son of Rajinder Kumar. According to learned counsel, petitioner had simply deposited the amount of the clients in said Post Office on behalf of his mother, and he had been depositing money previously as well. It is further contended that there is no wrongful loss caused to anyone much less at the instance of the petitioner.

Notice of motion for 09.08.2019.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by ASI Balbir Singh does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Balbir Singh further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 03.05.2019 is made absolute.

(MANOJ BAJAJ)
JUDGE

16.12.2019
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No