

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

205+106

Date of Decision:25.07.2019

CRM-M-21605-2019

Vikas Bagri

....petitioner

Versus

State of Haryana

.....respondent

CRM-M-21574-2019

Vikas Bagri

....petitioner

Versus

State of Haryana

.....respondent

CRM-M-21591-2019

Vikas Bagri

....petitioner

Versus

State of Haryana

.....respondent

CRM-M-31502-2019

Manju Bagri and another

....petitioners

Versus

State of Haryana

.....respondent

CRM-M-31526-2019

Manju Bagri and another

....petitioners

Versus

State of Haryana

.....respondent

CORAM: HON'BLE MR.JUSTICE ANIL KSHETARPAL

Present: Mr.Jainainder Saini, Advocate
for the petitioners in CRM-M-21605, 21574 and
21591 of 2019

Mr.Aditya Sanghi, Advocate
for the petitioners in CRM-M-31526 and 31502 of 2019

Mr.Manish Bansal, DAG Haryana

Mr.B.S.Walia, Advocate
for the complainants

ANIL KSHETARPAL J. (ORAL):

By this common order, CRM-M-21605,21574,21591,31502
and 31526-2019 shall stand disposed of.

Prayer in these petitions is for grant of anticipatory bail to the
petitioners.

Learned counsel for the petitioners contend that as per the
FIRs, there are no allegations or assertions with regard to embezzlement of
the amount against the petitioners. He has further submitted that previously
also similar FIRs i.e. FIR No.589 dated 10.11.2017 and FIR No.1047 dated
04.12.2017, were investigated by the investigating agency and it was found
that except Late Tara Chand Bagri, no other family member was involved.
He further submits that investigation was also carried out by Inspector, Co-
operative societies, who has also reported that there is no evidence
regarding syphoning of the funds from the co-operative societies and the
financial discipline in the society has gone wrong because of slow recovery
of amount given as loan. Learned counsel for the petitioners further
submits that first informants in all these cases have become active against
the petitioners only because Late Tara Chand Bagri has died on 19.01.2019.

On the other hand, learned State counsel points out that the petitioners were members of the management of the co-operative society and they have also signed certain fixed deposit receipts. On a pointed question as to whether the prosecution has found any evidence regarding syphoning of the funds, the answer is negative as of now.

Learned counsel for the complainant/first informant has opposed the prayer made in the petitions by submitting that first informants are poor persons and the amount deposited by them has not been returned.

It would not be appropriate by this Court to record any finding lest it may prejudice the case of any of the petitioners. The prosecuting agency is not able to justify the requirement of custodial interrogation of the petitioners. Accordingly, the present petitions are allowed. The petitioners shall be bound to make themselves available for joining investigation as and when required by the investigating agency. However, the investigating agency shall be required to give written notice of one week in advance. The State shall be entitled to move an application for cancellation if some material evidence is found against the petitioners or they do not join the investigation when required.

With these observations, the petitions are allowed.

25.07.2019

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned
Whether reportable-

Yes/No.
Yes/No