

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

**Criminal Misc. No. M-49829 of 2018
Date of decision: 01.02.2019**

Manjit Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. S.P. Soi, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab
for the respondent-State.

Daya Chaudhary, J.

The present petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail to him in case FIR No.32 dated 05.09.2018 registered under Section 409 IPC at Police Station Nakodar City, District Jalandhar.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case whereas he was not involved. The petitioner is having good service record for the last more than 27 years and no untoward incident has ever occurred. The petitioner was placed under suspension without conclusion of the inquiry and thereafter, charge-sheet was served upon him, which was time barred. The petitioner was on leave w.e.f. 01.07.2003 to 03.12.2003 and was away to abroad till 02.12.2003. Learned counsel further submits that earlier anticipatory bail was granted to the petitioner in FIR No.473 dated 08.12.2014 vide order dated 16.01.2015 and subsequently, said FIR was cancelled by the Police after investigation.

Thereafter, another FIR was registered against the petitioner, which shows malafide intention on the part of officials of Housefed. The petitioner also filed a civil suit against the State, which is still pending. Learned counsel also submits that FIR in dispute is a counter blast of the litigation filed by the petitioner against the officials of Housefed. The petitioner is ready to join investigation and nothing is to be recovered from him.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations of embezzlement of ₹40,00,000/- are there against the petitioner as he has received said amount from the loanees but the same was not deposited in the account of Housefed. The aforesaid amount is still to be recovered from the petitioner as he has not cooperated in the investigation and his custodial interrogation is required.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file.

Admittedly, there are serious allegations of embezzlement of amount of ₹40,00,000/- received by the petitioner from the loanees but the same was not deposited with the complainant-Department. Even in spite of giving various opportunities, the recovery could not be effected as the petitioner did not cooperate in the investigation. The pendency of other litigation between the parties, cannot be a ground for releasing the petitioner on anticipatory bail as not only he was placed under suspension but he was also removed from the service.

Accordingly, by considering the allegations against the

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petitioner and also the fact that he has not cooperated in the investigation; in spite of giving ample opportunities, no amount was received, there is no merit in the contentions raised by learned counsel for the petitioner and the petition being devoid of any merit is, hereby, dismissed.

01.02.2019
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes