

CRM-M-44032-2019

Date of decision : 27.11.2019

Davinder Kumar alias Kala

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Ankur Mittal, Advocate
for petitioner.

Mr. H.S. Grewal, Additional A.G. Punjab.

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HARINDER SINGH SIDHU, J.

The petitioner has filed this petition under Section 439 Cr.P.C. for grant of bail in case FIR No. 1, dated 12.4.2019, registered under Sections 406/34 IPC and 13 (1)(a), 13(2) of Prevention of Corruption Act, 1988 (offences under Sections 392/411/412/201/120 B IPC were added later on) at Police Station Punjab State Crime, District Crime Wing, SAS Nagar, Punjab.

The FIR was registered on the basis of a complaint by Father Anthony Maedasser. He stated that he was a partner in a firm M/s Sahodhaya. The firm was dealing in sale and purchase of stationery items which were being provided to various schools run by Diocese Jalandhar all over Punjab. As the new academic session in all the schools had started, books and stationery items were being provided to various schools by the said firm. The sale proceeds in respect thereof were being collected at the house of complainant at Village Partapura, Tehsil and District Jalandhar. He alleged that about 30 unidentified persons dressed in police uniforms armed with deadly weapons revolvers, AK 47 came to his house. They in the presence of bank officials who were present in his house took away the complainant and another. They snatched their mobile phones. They also took away the entire cash which was available in the house. The complainant alleged that total collections of the firm were Rs.30,34,54,988/- out of which Rs. 14,00,00,000/- had been deposited with South Indian Bank. The officials of the bank were present in his house and were counting the currency to be deposited in the account of the firm. The complainant was kept in custody by the police officials and released on

the morning of 30.3.2019. He was informed that the money had been sent to the Income Tax Authorities, Ludhiana. The complainant received a notice from the Income Tax authorities to appear in the office of Income Tax, Ludhiana on 30.3.2019. He then learnt that money which was given to the Income Tax Authorities was only Rs. 9,66,00,000/- whereas the amount which had been taken from the house of the complainant was Rs. 16,34,54,988/-. In this manner, the police officials had misappropriated Rs. 6,65,00,000/-.

An SIT was constituted under the charge of IGP Crime-1 to investigate the matter, in which the role of various police officials came to the fore. Allegations against the petitioner are that he was friend of accused ASI Joginder Singh and ASI Rajpreet Singh. ASI Joginder Singh had given some of the misappropriated amount to petitioner. The petitioner was arrested on 2.5.2019. On the basis of his disclosure statement, Rs. 30,00,000/- were recovered from his house.

The learned counsel for petitioner contends that petitioner is a Commission Agent at Moonak. In that capacity, he had dealings with family of ASI Joginder Singh. He states that amount allegedly recovered was infact given to him by father of ASI Joginder Singh, namely, Prem Singh. Said Prem Singh has already sworn an affidavit to this effect. He is respectable person in locality. He is not in any way connected with the police officials. In any case, the recovery has already been effected. Nothing more is to be recovered from petitioner. The petitioner is in custody since 2.5.2019.

Taking into consideration all the facts and circumstances and without expressing any opinion on the merits of case, this petition is allowed. The petitioner is directed to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of Trial Court/Duty Magistrate concerned.

(HARINDER SINGH SIDHU)
JUDGE

27.11.2019

sjks

Whether reasoned order : Yes / No

Whether reportable : Yes / No