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

**CRM-M No.2833 of 2020
Date of Decision: 29.01.2020**

HARBANS SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Aman Dhir, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.134 dated 21.08.2018, registered under Sections 409, 120-B IPC and Sections 13(1)(c) & 13(1)(d) of the Prevention of Corruption Act, at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib.

FIR was registered at the instance of Pala Singh, Assistant Registrar, Co-operative Societies, Thandewala, Sri Muktsar Sahib against three persons namely Tejveer Singh Pump Operator, Harbans Singh Secretary and one Inspector Iqbal Singh.

The allegations against the petitioner are that he along with co-accused Tejveer Singh has misappropriated the sale proceeds of diesel amounting to Rs.27,88,779/-. Petitioner being the Secretary of the Society used to issue receipts to the customers and on the basis of those receipts, the pump operator used to sell diesel. The allegations are that the diesel was sold without issuing any receipts and the amount was directly misappropriated by the petitioner in connivance with pump operator.

Learned counsel for the petitioner emphasized that the diesel was in the custody of co-accused Tejveer Singh Pump Operator. Selling of diesel on the basis of receipts or otherwise would remain debatable as Tejveer Singh was the only custodian of the diesel. The arbitration case was prepared in respect of both the officials for realizing the amount of the Society as the Society was apprehensive that the officials may part with their properties. The Society has already passed a resolution for attaching the land of the petitioner vide resolution dated 27.11.2017. Consequently, the land of the petitioner has already been attached.

Learned State counsel on instructions from ASI Karamjit Singh has admitted the aforesaid factual position. Learned State counsel also submitted that Inspector Iqbal Singh

has been found to be innocent in this case.

Petitioner is in judicial custody since 09.12.2019 and challan has been presented. Trial of the case may take some time in its culmination.

At this stage, without adverting to the merits of the case, I am of the view that petitioner can be enlarged on bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

January 29, 2020	(RAJ MOHAN SINGH)
Atik	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No