

CRM-M-8921-2020

**GURCHARAN SINGH  
VS  
STATE OF PUNJAB**

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

\*\*\*\*\*

During the course of arguments, it transpires that the Assistant Registrar, Cooperative Societies through Deputy Registrar has made recommendation on 17.07.2019 for registration of an FIR against the petitioner on account of embezzlement of Rs. 14,77,812/-. Later on, the police conducted an inquiry and registered the present FIR.

Learned counsel for the petitioner has relied upon some recommendations dated 30.01.2020 (Annexure P-6), which has been made by Additional Registrar (D) for conducting a special audit.

Learned State counsel has referred to Section 48 sub Section 8 of the Punjab Cooperative Societies Act, 1961, which reads as under:

“If the Registrar, *suo-motu*, or on the application of not less than ten members of a co-operative society finds that it is necessary or expedient to conduct special audit of the accounts of a co-operative society, he may by an order, provide for such special audit and the provisions of this Act, and the rules applicable to the audit shall also apply to such special audit:

Provide that such special audit shall be ordered only when there is a prima-facie case of fraud or misappropriation or embezzlement of funds.”

On a Court query, learned State counsel, on instructions from Sh. Amarjit, Joint Registrar, Cooperative Societies, Sangrur, who is present in Court, could not dispute the fact the powers were exercised *suo-motu* in terms of

Section 48 Sub section 8 of the Act. It is submitted that order dated 30.01.2020 was passed in compliance of the direction issued by Registrar, Cooperative Societies.

Further, a perusal of report dated 30.01.2020, nowhere reflects that it has taken care of the FIR, which stands registered and inquiry/investigation is pending before the police authorities, therefore, nothing has come on record as to why the *suo-motu* powers have been exercised, which apparently shows that there is a collusion between the petitioner and the Officer concerned as the efforts have been made to create some evidence so as to save the petitioner, hence, no ground to entertain the second anticipatory bail petition is made out.

Adjourned to 04.05.2020.

Keeping in view the fact and circumstances of the case and also in view of the allegations against the petitioner, this Court finds no ground to grant concession of anticipatory bail to the petitioner as no ground to entertain the second anticipatory bail petition is made out.

Therefore, this petition is dismissed to the extent of grant of anticipatory bail to the petitioner.

However, the Senior Superintendent of Police, Sangrur is directed to conduct an inquiry through Directorate of Enforcement regarding conduct of the Additional Registrar (D), Cooperative Societies, Sangrur, who has passed the order dated 30.01.2020 and Registrar, Cooperative Societies, who directed to conduct the second audit and file an affidavit on or before the next date of hearing.

02.03.2020

*Waseem Ansari*

( ARVIND SINGH SANGWAN )  
JUDGE