

CRM-M-14242 of 2018 (O&M)

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

CRM-M-14242 of 2018 (O&M)
Date of Decision: 28.02.2020

Raman Tanwar

...Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Shivam Grover, Advocate, for the petitioner.
Mr. Chetan Sharma, AAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 438 Cr.P.C. prayer has been made for grant of anticipatory bail to the petitioner in case FIR No.53 dated 07.02.2018 registered under Section 409 IPC at Police Station Baldev Nagar.

Learned counsel for the petitioner *inter alia* contends that bank statements (Annexures R-1 and R-2) were already relied by the prosecution in earlier trial against the petitioner vide FIR No.169 dated 01.06.2011 registered under Sections 409, 420, 467, 468, 471 IPC and Section 13(c) of the Prevention of Corruption Act. Therefore, registration of instant FIR after seven years on the same allegations amounts to double jeopardy inasmuch as for the same offence, a person cannot be tried twice. Petitioner has already joined investigation. She is no more required for further investigation. Departmental inquiry against the petitioner was not conducted properly. Taking all the alleged embezzlement of the petitioner

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into account, she cannot be faulted for the same. Petitioner is not accountable to any embezzlement, rather her superiors were liable, but the police has not taken any action against them.

Refuting above submissions, learned State counsel contends that in the aforesaid earlier FIR, in which petitioner has been convicted for seven years, embezzlement which was taken into consideration was for the years 2010 and 2011. Thereafter, some more embezzlement by the petitioner came to the light of the postal department when departmental inquiry was initiated against her. In the departmental inquiry, it was found that petitioner further embezzled ₹57.00 lakh, while working as Postal Assistant.

Considering embezzlement of huge Government money by the petitioner, while working as Postal Assistant, this Court finds that petitioner is certainly required for custodial interrogation.

Dismissed.

February 28, 2020
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No