

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

CRM-M-16258 of 2020

DATE OF DECISION :- October 15, 2020

Narinder Singh

...Petitioner

Versus

State of U.T., Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAN

Present:- Mr. P.S. Ahluwalia, Advocate for the petitioner.

Mr. Rajiv Vij, APP, U.T., Chandigarh.

The case has been taken up through Video Conferencing.

This petition for pre arrest bail has been filed by petitioner Narinder Singh, aged about 57 years, resident of House No. 768, Phase 10, Mohali in a case in F.I.R. No. 3 dated 22.5.2020 under Section 409 IPC and 13(1)(a) and 13(2) of Prevention of Corruption Act, 1988 registered at Police Station Vigilance Bureau, Chandigarh.

F.I.R. in question was registered against the present petitioner on the allegations that he, while working as a Clerk in Government Medical College and Hospital, Sector 32, Chandigarh as such a public servant had committed embezzlement of an amount of Rs.4.25 lacs received in IOL package which had started in May, 2008 on no profit and no loss basis to help the poor patients in purchasing lenses and medicines at reasonable rates. The money had come in his possession in his capacity as a public servant.

On registration of the F.I.R. in this case, the petitioner had approached Judge, Special Court, Chandigarh seeking pre arrest bail, however, his such application was declined by the said Court vide order dated 12.6.2020.

Feeling dissatisfied, petitioner Narinder Singh has knocked at the door of this Court praying for grant of similar relief. Notice of the petition has been given to the U.T., Chandigarh.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

The petitioner had been granted interim bail with a direction to join the investigation. He has since joined the investigation and has been released on interim bail. The embezzled amount of Rs.4.25 lacs is said to have been deposited by the petitioner with Government Medical College and Hopspital, Sector 32, Chandigarh. The case is mainly based upon documents which are in possession and custody of the said hospital. The incident is stated to be relating to the period 2012-2013 and the amount had been deposited in the year 2013. The petitioner is on the verge of retirement and departmental proceedings against him had been initiated which are said to have been concluded in the year 2015 and two increments of the petitioner were stopped with cumulative effect vide order dated 10.2.2015 (Annexure P-3). Considering all the facts and circumstances, custodial interrogation of the petitioner is not found to be necessary and it is found to be proper and appropriate to grant pre arrest bail to the petitioner.

Therefore, the petition is accepted and the interim bail granted to the petitioner on 23.6.2020 is made absolute, subject to the following conditions :-

- (i) He shall appear in the Court on each and every date of hearing.
- (ii) He shall not give any threat or intimidation to the prosecution witnesses.
- (iii) He shall not leave India without prior permission of the Court.
- (iv) He shall surrender his Passport before the Investigating Officer and if he is not having Passport then shall file the affidavit in that regard.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

The petition stands allowed accordingly.

(H.S. MADAAN)
JUDGE

October 15, 2020

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No