

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CRM-M-20291-2020 (O&M)
Date of Decision:15.09.2020**

Rakesh Chand Bajaj

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Shaurya Puri, Advocate for the petitioner.

Mr. A.S. Sandhu, Addl. A.G. Punjab.

TEJINDER SINGH DHINDSA J.(Oral)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in FIR No.76 dated 01.07.2020 under Section 406 IPC registered at Police Station Fattu Dyinga, District Kapurthala.

While issuing notice of motion, the following order was passed by this Court on 24.07.2020:-

“This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Petitioner seeks concession of pre-arrest bail in FIR No.76 dated 01.07.2020 under Section 406 IPC, registered at Police Station Fattu Dyinga, District Kapurthala.

FIR came to be registered on the complaint of Neeta Puri. Allegations are that on the inducement of the present petitioner she made a deposit of Rs.1,75,000/- with the Sarv Hitkari Education Society in the year 2001. The handsome interest/return had been promised. Petitioner was the President of the society. The entire amount alongwith interest has not been paid to the complainant. The misappropriation of fund is alleged.

Counsel for the petitioner has argued that the amount of Rs.1,75,000/- had not been paid to the petitioner but rather was furnished by way of cheque in the name of the society. At the relevant point of time the real brother-in-law of the petitioner was working as Treasurer of the society. Further the amount in question has already been returned back to the complainant. Even the treasurer of the society i.e. brother-in-law of the petitioner has been charged with certain financial irregularities, was removed from the post. It is argued that under such circumstances no personal liability can be fastened upon the petitioner only on account of the fact that he happened to be the President of the society at the relevant point of time. Notice of motion returnable for 15.09.2020.

In the meanwhile, petitioner is directed to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned State counsel on instructions from SI Sukhwinder Singh, informs the Court that the petitioner has since joined investigation and is not required for any custodial interrogation.

In view of the above, petition is allowed. Order dated 24.07.2020 passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

September 15, 2020

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No