

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21675-2020 (O&M)
Date of decision: 10.08.2020

Bindusar Timothi Dean

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Dheeraj Mahajan, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Shekhar Verma, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.2 dated 15.06.2020 under Sections 177, 198, 406, 420, 424, 465, 467, 468, 471, 477-A, 120-B of the Indian Penal Code (for short 'IPC'), registered at Police Station NRI, Gurdaspur, District Gurdaspur.

Learned counsel for the petitioner has submitted that in fact, the petitioner was not a trustee of the school and has no direct influence in working of the school. It is further submitted that the FIR is a counter-blast to the earlier FIR No.74 dated 18.07.2018 under Sections 419, 420, 465, 467, 471, 120-B IPC, registered at Police Station Sadar Batala. It is also submitted that as per the FIR and conclusion of the inquiry, the trust deed dated 25.03.1999 was

procured by Daniel Sadhu Masih i.e. accused No.1, without cancelling first deed dated 22.02.1999, which was in operation and was never revoked. It is next argued that the allegations are against Daniel Sadhu Masih, who was managing the affairs of school and the petitioner has been falsely implicated in the case.

Learned State counsel, assisted by learned counsel for the complainant, has, however, opposed the prayer on the ground that vide order dated 13.07.2020, anticipatory bail of co-accused Kamal Masih Khokhar, Juliet Rocky Dean, Jagdish Dean and Sober Daud Daniel @ Sobar Danial stands dismissed by this Court.

Learned counsel for the complainant has additionally argued that the petitioner is Administrator in Allen Memorial School and is also main Administrator in St. Timothy Public School and there are direct allegations against the petitioner that donations and funds of Allen Memorial School have been siphoned off to St. Timothy Public School and St. Timothy Public School is named after the petitioner. It is further argued that there are documentary evidence by way of audit report, which shows that amount of Allen Memorial School has been diverted to St. Timothy Public School.

Learned counsel for the complainant has next argued that during the inquiry, it is found that false Income Tax Returns were filed by the accused persons and donations received by them have not been accounted for. It is also submitted that the petitioner actively participated in creating second trust deed and the balance sheets for the year 2012 onwards are forged by him.

Written submissions on behalf of the complainant filed in the Court, is taken on record.

After hearing learned counsel for the parties, considering the allegations levelled in the FIR, which are identical to the aforesaid co-accused and in view of the observations made in the order dated 13.07.2020 passed by this Court, no ground for grant of anticipatory bail to the petitioner is made out.

Dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

10.08.2020
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No