

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

101+208

CRM-M No.41898 of 2019 (O&M)

Date of Decision:- 26.02.2020

Gurmukh Singh

...Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:- Mr. Jagdish Manchanda, Advocate,
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

The petitioner seeks grant of anticipatory bail in case bearing FIR No.5 dated 09.05.2019 registered under Sections 420, 467, 468 and 471 of Indian Penal Code and Sections 13(1) (a) and 13(2) of Prevention of Corruption Act at Police Station Vigilance Bureau Patiala, District Patiala.

On 07.12.2019, following order was passed:-

“The prayer in the present petition is for grant of anticipatory bail in to the petitioner in FIR No.5 dated 09.05.2019 under Sections 420, 467, 468, 471 IPC & 13 (1)(a), 13 (2), 1988, PC Act, registered at Police Station Vigilance Bureau Patiala, District Patiala.

Learned counsel for the petitioner has argued as per allegations in the FIR, the petitioner Gurmukh Singh was working as Secreary in Multi-Cooperative Society and during the audit for the period 2016-17, it was found that he had committed embazzlement of Rs.7,57,490/-.

Learned counsel for the petitioner at the very outset has stated that he is ready to deposit the amount before the Illaqa Magistrate/trial Court subject to the final outcome of the case. Learned counsel for the petitioner submits that the petitioner wants to deposit this amount without prejudice to his right of defence as the petitioner, during the course of trial will prove that the amount has been duly accounted for against the receipts.

List again on 26.02.2020.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigation Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

The petitioner will deposit the amount in dispute i.e.Rs.7,57,490/- within a period of one month from today with the Illaqa Magistrate/trial Court and the said amount will be kept in an FIR till the final outcome of the trial. The deposit of the said amount will not cause any prejudice to

the right of defence of petitioner and the same will be subject to final outcome of the case."

In pursuance of the aforesaid order and on necessary correction of word "FIR" vide order dated 12.12.2019, the petitioner has deposited the requisite amount of Rs.7,57,490/- in the Trial Court. It is not in dispute that the aforesaid amount is the only amount in dispute and the same stands deposited with the Trial Court as per the direction issued in the order dated 07.12.2019.

In view of aforesaid position, it would be just and expedient to confirm the order dated 07.12.2019. However the petitioner shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Petition stands disposed of.

26.02.2020

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**(Raj Mohan Singh)
Judge**

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No