

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

CRM-M-9016-2021 (O&M)

Date of decision: 25.02.2021

Mohinderpal Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr. Bhawesh Chaudhary, Advocate for the petitioner.

H.S. MADAAN, J.

Case taken up through video conferencing.

This petition for pre-arrest bail has been filed by petitioner Mohinderpal Singh, an accused in FIR No.09 dated 08.01.2021, for offences under Sections 408 and 420 IPC, registered with Police Station Bhogpur, District Jalandhar Rural.

Notice of motion.

Mr. J.S. Ghuman, DAG, Punjab, accepts notice on behalf of the respondent-State.

In nutshell, the prosecution story is that, complainant Rohit Jain, President, Cooperative Sabha, Chamiara had addressed a written complaint to Senior Superintendent of Police, Jalandhar Rural levelling allegations that Mohinderpal Singh-accused working as

Secretary with Bhatnura Lubana Agricultural Multipurpose Cooperative Society had committed embezzlement inasmuch as he had been selling fertilizer to the members of the society, receiving the sale price without depositing the same in the account of the society; he had been utilizing those sale proceeds for his personal use; petitioner/accused had sold 227 bags of DAP fertilizer without depositing the sale price of Rs.3,13,260/- in the account of the society and to conceal the misappropriation, petitioner had kept the record incomplete; after receipt of the written complaint, the matter was enquired into and thereafter, the FIR was registered.

Apprehending his arrest in this case, petitioner/accused had approached the Court of Sessions at Jalandhar by moving an application for grant of pre-arrest bail. His such application was assigned to Addl. Sessions Judge, Jalandhar, who vide order dated 10.02.2021, dismissed the same. The operative part of the said order is as under:-

“Police record has been received. Perusal of police record shows that the present FIR in question has been registered against applicant/accused on the complaint moved by Rohin Jain, President, Cooperative Sabha, Chamiara. As per police record present applicant/accused was working as Secretary in the The Bhatnura Lubana Agricultural Multipurpose Cooperative Society. The above said society was associated with the working of giving loan to its members and also supplying fertilizers for its members. Applicant/accused has defrauded the above said society by

mis-appropriating the money of society which he used for his personal purpose/use and in total during investigation it has come on record that applicant/accused has defrauded the society for an amount of Rs.5,95,170/- pertaining to the recovery of loan amounts of 21 members of the society and amount of Rs.8,11,060/- regarding sale proceeds of fertilizer and in total a sum of Rs.14,06,230/- which he misappropriated for its own use. So, it is a matter of probe how and in what manner accused has defrauded the society which requires the custodial interrogation of the accused. In order to recover the money from the applicant/accused, his custodial interrogation is necessary. So, in the light of above said facts and circumstances and taking into consideration the nature and gravity of the offence, no exceptional circumstances are made out to release the applicant/accused Mohinderpal Singh on anticipatory bail, hence, the bail application in hand is dismissed. Police record be returned. Record of this bail application be consigned to the Sessions Court Record Room, Jalandhar.”

Feeling aggrieved, the petitioner has approached this Court, craving for grant of similar relief, which request is being opposed by the State counsel.

I have heard learned counsel for the parties besides going through the record.

In this case, the petitioner is named in the FIR. There are specific allegations of his having misappropriated the amount of cooperative society, that amount when worked out came out to more than Rs.14 lacs. The petitioner has failed to return the said amount. He

having not deposited it in the account of cooperative society, which he was required to do, obviously misused it for his own purpose. His custodial interrogation is necessary to effect the recovery of the embezzled amount as well as related documents from him. In case, it is denied to the investigating agency that shall leave many gaps, loopholes and lacuna, adversely affecting the investigation, which is uncalled for.

Though, in the petition, the petitioner has contended that he had a dispute with Swaran Singh, President, Manjit Singh-Vice President and Inderjit Singh-Member of the Cooperative Society in question; the petitioner wanted to go abroad regarding which he talked with Swaran Singh as son of Swaran Singh had promised to send the petitioner to Spain, Manjit Singh and Inderjit Singh had also given assurance to the petitioner in that regard and they induced him to part with a sum of Rs.5 lacs and subsequently, they had obtained three cheques from the petitioner; presenting one cheque in C.C. account of the society by filling an amount of Rs.1,43,000/- under a pre-planned conspiracy, whereas, two other cheques were given by society to MARKFED, which were dishonoured. In that way, the petitioner himself is a victim. But such type of story does not appear to be plausible and convincing. It seems that the petitioner has invented the same to offer a plausible explanation for registration of FIR against him, nevertheless, the petitioner/accused may inform the Investigating

Officer in that regard, who can then keep that version in view while investigating the matter and the petitioner can raise all these pleas during the trial, where his guilt is to be determined but in these proceedings, such type of allegations are not of much significance. There is no merit in the instant petition. The same stands dismissed accordingly.

25.02.2021

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No