

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.206

Case No. : CRM M-15451 of 2021

Date of Decision : August 05, 2021

Rajinder Singh .... Petitioner

vs.

State of Punjab .... Respondent

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

\* \* \*

Present : Mr. Sukhjit Singh, Advocate  
for the petitioner.

Mr. J. S. Ghumman, DAG, Punjab.

\* \* \*

**H. S. MADAAN, J. (Oral) :**

Case taken up through video conferencing.

The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.13 dated 25.02.2021, under Sections 406, 409 IPC, registered at Police Station Maloud, District Khanna.

As per the prosecution version, briefly stated facts of the case are that criminal machinery in this case was set into motion by the Assistant Registrar Co-operative Society, Payal. In the written complaint submitted by him to the Senior Superintendent of Police, Khanna, he sought registration of FIR against Nirmal Singh, Secretary of Milk Production Co-operative Society Ltd., Ber Kalan, on the allegations of committing criminal

breach of trust of the funds belonging to the Society by carrying out embezzlement of that amount. During investigation of the case, it transpired that Nirmal Singh had done so in connivance with the petitioner Rajinder Singh, who was President of the Society and had signed the cheques. The total amount involved was Rs.19,24,267.45P and the Arbitration Award was also passed in the matter on 09.09.2020 and the petitioner-accused was found liable for Rs.09,45,051/-.

Learned counsel for the petitioner states that as directed by this Court, the petitioner has deposited the entire amount of Rs.09,45,051/-. It is further submitted that he has since joined the investigation. In that way, no recovery is to be effected from him. Therefore, his petition be accepted.

Learned State counsel, on instructions from ASI Sohan Singh, has conceded the factum of the petitioner having joined the investigation and has since deposited the entire amount of Rs.09,45,051/- in the Court, which has been sent to the concerned department and has been deposited there. Therefore, since no recovery is to be effected from the petitioner, his custodial interrogation is not required.

Under the circumstances, the interim bail granted to the petitioner, vide order dated 07.04.2021 is made absolute, subject to the following conditions:-

1. *that the petitioner shall make himself available for investigation by a police officer as and when required;*
2. *that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such*

*facts to the Court or to any police officer and;*

3.           *that he shall not leave India without prior permission of the Court.*

4.           *that 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 terms & conditions, on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

Accordingly, the present petition is allowed.

August 05, 2021

*monika*

(H. S. MADAAN)

JUDGE

|                                    |                |
|------------------------------------|----------------|
| <i>Whether speaking/reasoned ?</i> | <i>Yes/No.</i> |
| <i>Whether reportable ?</i>        | <i>Yes/No.</i> |