

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

1) CRM-M-20177-2021
Date of decision: 09.12.2021

Kashmir SinghPetitioner

versus

State of PunjabRespondent

2) CRM-M-45917-2021

Kashmir SinghPetitioner

versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Amardeep Singh Gill, Advocate
for the petitioner.

Ms. Simran Grewal, AAG, Punjab
for the respondent-State.

FATEH DEEP SINGH, J.

The above detailed two matters, one anticipatory bail application under Section 438 Cr.P.C. and the second one, a supplementary petition under the same very provision having been filed in the same very case bearing FIR No.29 dated 11.03.2021 are being taken up together for arguments.

The present case was registered on the complaint of Assistant Registrar, Cooperative Societies, Jalandhar. The allegations levelled are that during the course of inquiries by the Registrar Office that the petitioner-Kashmir Singh, during his term, as Vice President, in the year 2010 and as President, in the year 2015 of the Society, managed to sell residential plots of other members of the Societies in an illegal manner, in connivance with his former Secretary, Amrik Singh. Besides this, the actual plots were surreptitiously exchanged with other plots by re-assigning their numbers and, thus, by forging the records of the Society and making wrong entries usurped the money of the Society and even sold plots to persons who were not its members. It is claimed that by such a deception, the petitioner along with his co-accused have managed to carryon a big scam.

Mr. A.S. Gill, learned counsel for the petitioner has argued that the petitioner was authorized through resolutions dated 12.08.2011 and 03.10.2015 on behalf of the Society to execute sale deeds and, therefore, had acted within the ambit of his powers. It is contended that none of the alleged persons whom the prosecution claims to be victims

have made any statement or lay claim and has termed the present case to be a misuse of the process of the Court to oust the petitioner and his group from the Society.

On behalf of the State, much resistance has been made to the arguments of the petitioner's counsel. It is submitted that the petitioner initially managed to subvert the investigations by procuring a report of innocence but subsequently, the Commissioner of Police, Jalandhar, did not approve of it and with further investigations, it has come to light that it was fudged investigations and in fact the petitioner was responsible for the loss to the Society of its invaluable property and money as well as tampering with the records as an aid to his wrong doings.

Appreciating the submissions, it is well elicited in the investigations, how residential plots belonging to genuine members of the Society were sold to non-members and the sale proceeds were misappropriated being President of the Society, the petitioner has misused his powers along with his co-accused and forged the records of the Society. It was on due inquiry by the Registrar Office, the scam has come to light and there are clear-cut allegations how illegally and

contrary to the Rules, allotments were made by the petitioner along with his co-accused to persons who were not qualifying for the same. Not only this, it is there in the submissions of the State counsel that common areas left out in the Society for uses of the residents, were also converted into plots and the money usurped and misused for their own needs. It is a case where custodial interrogation of the petitioner is essential to unearth the gamut of the same and in light of the principle of law that provisions under Section 438 Cr.P.C. are to be sparingly used, this Court is not inclined to allow the bails.

Both the bails are hereby stand dismissed accordingly.

09.12.2021

Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No