

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

246

CRM-M-27137 of 2021
Date of decision:04.10.2021

Suresh Kumar

... Petitioner

Vs.

Stgate of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Ashok Paul Batra, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

On 15.07.2021, while granting interim protection to the
petitioner, this Court passed the following order:-

*“Case is taken up for hearing through video
conferencing.*

*Through this petition filed under Section 438 Cr.P.C.,
the petitioner seeks anticipatory bail in case bearing FIR
No.118 dated 16.06.2020 registered under Sections 409, 420,
465, 467, 468, 471 IPC; Sections 120-B, 201 IPC (added later
on) and Section 67 of Information Technology Act (added later*

on), at Police Station Nangal, District Rupnagar, Punjab.

As per the prosecution version, co-accused, namely, Rajiv Kumar, Clerk, used to prepare the bills depicting genuine persons and the petitioner used to sign the same.

Learned counsel for the petitioner submits that the petitioner is a retired Headmaster from the Senior Secondary High School and during his service, he was the In-charge of five schools.

Learned counsel further submits that initially, vide order dated 03.05.2021 passed by the Additional Sessions Judge, Rupnagar, the petitioner was granted interim bail and in compliance thereof, he had joined the investigation. On 25.05.2021, ASI Sohan Singh, Police Station Nangal, District Rupnagar, got recorded his statement to the extent that the petitioner had joined the investigation and his further custodial interrogation was not required. Thereafter, vide order dated 02.07.2021, passed by the Additional Sessions Judge, Rupnagar, the interim bail granted to the petitioner was withdrawn and his bail application was dismissed noticing that “the petitioner being Drawing and Disbursing Officer and Head-Master of Senior Secondary High School, signed various bills, on the basis of which the main accused, namely, Rajiv Kumar, Clerk, siphoned lakhs of rupees from the Government

Treasury.”

At this stage, learned counsel for the petitioner submits that the petitioner is again ready to join the investigation, as and when called for by the investigating agency.

Notice of motion.

On the asking of this Court, Mr. Avtar Singh Sandhu, Addl. A.G.Punjab, accepts notice on behalf of the respondent-State.

Adjourned to 04.10.2021.

Meanwhile, the petitioner is directed to join the investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) Cr.P.C.

However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police.”

Learned State counsel, on instructions from ASI Sohan Singh submits that the petitioner has joined the investigation and is no longer required for custodial interrogation. He has further instructions to submit that the petitioner is not involved in any other criminal case.

In view of the above facts, but without commenting on the merits of the case, the present petition is allowed and the order dated

15.07.2021 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

October 04, 2021

savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes/No</i>