

JASKARAN SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Siddharth Gupta, Advocate for the petitioner.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

Mr. Sidhant Mehra, Advocate for the complainant.

VIVEK PURI,J. (ORAL)

Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner namely Jaskaran Singh in case FIR No. 185 dated 24.05.2019, registered under Section 409 IPC at Police Station City Barnala, District Barnala.

On 11.07.2019, the following order was passed.

“Learned counsel for the petitioner submits that the amount alleged to have been embezzled by the petitioner, as was to be paid to the complainant, Avtar Singh, i.e. a sum of Rs.3040/-, in respect of wages earned by him between 21.8.2015 to 8.4.2017, was actually lying in the District Jail, Sangrur, initially, whereas the petitioner was posted at the District Jail, Barnala, after which when the amount was received in the District Jail, Barnala, and as the convict did not collect the amount, it was duly deposited in the Welfare Canteen of the District Jail on 6.5.2019.

To support his aforesaid contention, he first refers to the vernacular version of a 'collective receipt' Annexure P-2, showing that 'convict Avtar Singh son of Gurbax Singh' had not appended his thumb impression against receipt of Rs.3040/-, after which the said amount is shown to be

deposited on 6.5.2019 in the Welfare Canteen, District Jail, Barnala, as per Notice of motion, returnable on 26.7.2019.

In the meanwhile, till the next date of hearing only and specifically upon the petitioner joining investigation and complying with all conditions stipulated in Section 438(2), Cr.P.C., if he is sought to be arrested, he shall be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

If the investigating officer does not actually join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation, in terms of the order of this Court.”

It has been contended by the learned counsel for the petitioner that in pursuance of the interim directions, the petitioner has joined the investigation and his custodial interrogation is not required. Furthermore, the alleged embezzled amount is only to the tune of Rs. 3,040/- which has already been deposited in Welfare Canteen, District Jail, Barnala.

Learned State counsel on instructions from ASI Gurwinder Singh has not assailed the aforesaid factual aspects.

Learned counsel for the complainant has also informed that the amount to the tune of about Rs. 18,961/- lying in cash with the Superintendent Jail has already been deposited in Welfare Canteen, District Jail, Barnala during the pendency of the petition. It may be mentioned here that no observations are being circumscribed with respect to the act of Superintendent Jail in retaining the amount with him, particularly because the same is not subject matter of controversy for the purpose of disposal of present petition.

In view of the aforesaid submissions, the order dated 11.07.2019,

granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under
Section 438(2) Cr.P.C.

The petition stands disposed of.

09.08.2021
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No