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

CRM-M-43595-2021

Date of decision: 14.10.2021

Naveen

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vikas Malik, Advocate for the petitioner.

Ms. Dimple Jain, Assistant Advocate General, Haryana.

AVNEESH JHINGAN, J (Oral):

- 1) Due to COVID-19 situation, the Court is convened through video conference.
- 2) This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR No. 473, dated 24th September, 2021, under Sections 409 and 420 IPC, registered at Police Station Meham, District Rohtak.
- 3) FIR was registered on the basis of complaint received from D.V. Saini, Superintendent, Post Offices Rohtak Division, Rohtak. As per the allegations, Naveen (petitioner) while working as Postman between the period 28th October, 2013 to 24th July, 2020 at Post Office, Farmana (Meham) had embezzled the funds of accounts holders of Recurring Deposit, Savings Accounts and Sukanya Samridhi Yojna accounts. He

received the amount from the depositors for depositing it in their respective accounts but without depositing the amounts, the pass books were updated and stamped.

4) Learned counsel for the petitioner submits that petitioner had deposited back Rs. 20 lakhs in the year 2020 and 2021 but the authorities had issued him receipt of Rs. 12 lakhs only. The issue is pending before the Central Administrative Tribunal (hereinafter referred to as 'Tribunal'). He further argues that Rs. 1.5 lakhs was recovered from another employee of post office at the time of his retirement. It is contended that petitioner has filed a reply before the police authorities and he is ready to join the investigation.

5) Learned State counsel opposes the prayer for grant of anticipatory bail. She submits that public money was embezzled. It is not a case where only money collected was not deposited in the accounts of depositors but fake entries in their pass books were made and stamp of post office was misutilized.

6) In ***Y.S. Jagan Mohan Reddy Versus CBI (2013) 7 SCC 439***, the Supreme Court held as under:-

“34. Economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offences having deep-rooted conspiracies and involving huge loss of public funds need to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country.

35. While granting bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations."

7) It is a case of economic offence. The embezzlement was done during period ranging from 2013 to 2020. From the pleadings, it is forthcoming that in the year 2020 petitioner deposited Rs. 12 lakhs voluntarily under unclassified receipt. It would be appropriate to note that deposit was made during the investigation. The residents of village would not be even aware that their amounts have been misappropriated, it will only come to light when the accounts will be closed or amount would be withdrawn. The government official who was *Dak Sewak* misutilized his official capacity. The dispute with regard to deposit of Rs. 20 lakhs and issue of receipt of Rs. 12 lakhs before the Tribunal will not dilute the allegations against the petitioner. It is worth noting that subsequent deposit was as unclassified receipt and not in appropriate accounts. It is a case where custodial interrogation is necessary for deeper probe. Mere filing of a reply before the police authorities is not a substitute for custodial interrogation.

- 8) No ground is made out for grant of anticipatory bail, the petition is dismissed.
- 9) However, it is clarified that nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

14th October, 2021
pankaj baweja

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| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | Yes |