

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

242

CRM-M-42341-2020 (O&M)

Date of decision: 08.03.2021

POONAM TAYAL

...Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Manuj Nagrath, Advocate for the petitioner.

Mr. Saurav Khurana, D.A.G. Punjab.

HARNARESH SINGH GILL, J. (ORAL)

CRM-2190-2021

This is an application for amendment in the headnote as well as prayer clause to the extent of adding Section 120-B IPC.

For the reason stated in the application, same is allowed.

Registry is directed to do the aforesaid amendment both in the headnote and prayer clause.

CRM-2191-2021

This is an application for placing on record copy of the challan/final report under Section 173 Cr.P.C. as Annexure P-8.

Notice of the application.

Learned State counsel accepts notice and states that he has no objection if the present application is allowed.

In view of the above, present application is allowed. Annexure P-8 is taken on record. Registry is directed to place the same at an appropriate place.

CRM-M-42341-2020

Prayer in the present petition under Section 439 Cr.P.C. is for

grant of regular bail in case bearing FIR No.274 dated 17.10.2020, registered under Sections 420, 409, 120-B and 34 IPC, at Police Station City Rupnagar, District Rupnagar.

Learned counsel for the petitioner states that the petitioner is the Vice-President of the Society i.e. The Gats Urban Co-operative Thrift and Credit Society Ltd. He further states that as per Section 55 Sub-Clause 2 of the Punjab Co-operative Societies Act, 1961, there is a specific provision provided for arbitration and qua that the management has already moved an application dated 18.08.2020 (Annexure P-6) to the Assistant Registrar Co-operative Societies, Ludhiana (West), for appointment of the arbitrator, in order to settle the dispute between the parties. The petitioner has moved a complaint dated 29.02.2020 to the Commissioner of Police, Ludhiana Police Commissionerate, against the present complainant-Bikramjit Singh as well as other depositors. Present FIR is a counter-blast to the complaint filed against the complainant as gross anomalies has been committed by the complainant, which are subject to the audit. He further states that to show her bona fide, the petitioner is ready to deposit a sum of Rs.15,00,000/- in the account of the Society. The petitioner has been in custody since 18.11.2020.

Learned State counsel, while opposing the prayer for grant of regular bail, does not dispute the custody period of the petitioner. He further states that this is a family affair as the petitioner was the Vice President, her husband was the President and her son was the Secretary of the Society. The petitioner has taken away the money of all the creditors and has not returned the same even after the maturity period of the FDRs and Recurring Deposits, which was lying in the saving bank accounts. He further states that the challan

has already been presented and out of 45 witnesses, none has been examined so far. He further states that as per the status report dated 25.01.2021, filed by the Deputy Superintendent of Police, Rupnagar, District Rupnagar, an amount of Rs.48,00,000/-, belonging to 59 victims/customers, is due towards the petitioner and the other members of the Management Committee of the Society.

I have heard the learned counsel for the parties.

This is a case in which the petitioner was the Vice-President of the Society and her other family members were part of the Executive Body/Management Committee. Management Committee of the Society had already moved an application before the Assistant Registrar Co-operative Societies, Ludhiana (West), for appointment of the Arbitrator for redressal of the grievances between the parties, which is mandatory as per Section 55 Sub-Clause 2 of the Punjab Co-operative Societies Act, 1961.

The petitioner has been in custody since 18.11.2020. Trial of the case would take time to conclude as none of the witnesses has been examined till date. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate, subject to the further condition that the petitioner shall deposit a sum of Rs.15,00,000/- in the shape of an FDR in the name of the Society in some Nationalized Bank fetching maximum rate of interest. The said amount shall not be released until the final adjudication of the proceedings.

It is, however, made clear that the deposit of the aforesaid amount shall not be construed as an admission of the guilt on the part of the petitioner.

08.03.2021
Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No