

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 7372 of 2022
Date of Decision: 11.5.2022

Jatinder Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Ajay Pal Singh Rehan, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C., seeking the indulgence of anticipatory bail to the petitioner.

2. In FIR bearing No. 135 of 17.9.2021, registered at Police Station City Batala, Police District Batala, District Gurdaspur, offences constituted under Sections 420, 408, 465, 468, 471, 477-A, 201, 34 IPC, are embodied.

3. The incriminatory role, as ascribed to the present petitioner, is that he in complicity with one Anish Aggarwal, embezzling the funds of an educational institution, and, the above embezzlement occurring through theirs preparing forged bill vouchers.

4. The learned State counsel, on instructions given to him, by the investigating officer concerned, submits, that though the present petitioner has joined the relevant investigations, but has not furnished, to the investigating officer concerned, all the purportedly forged bill vouchers,

and, all other relevant documentary evidence.

5. Moreover, the learned State counsel opposes the grant of bail to the present petitioner, on the ground, that the embezzlement, as made by the petitioner, is comprised in a sum of Rs. 5.00 lacs, and, unless a reasonable percentum thereof, is ordered to be deposited in the establishment of the learned trial Judge concerned, as a pre-condition for the present petitioner being admitted to bail, and/or for its working as victim compensation after may be a verdict of conviction being drawn, by the learned trial Judge concerned, upon the petitioner, and, thereafter upon imposition of sentence of fine, upon the petitioner, it being ordered to be paid as compensation to the aggrieved concerned.

6. The learned counsel for the petitioner, on instructions, given to him by the latter, submits that the petitioner is ready, and, willing to deposit a sum of Rs. 2.50 lacs, within a week, in the establishment of the learned trial Judge concerned. The disbursement of the afore deposit shall be subject to the outcome of the trial, as becomes entered upon by the learned trial Judge concerned.

7. Though, the learned State counsel also opposes the grant of anticipatory bail to the petitioner, on the ground that the above co-operations are yet to be meted by the petitioner, to the investigating officer concerned, but the above can yet be taken care of through a direction being made to the petitioner to ensure his making recoveries of all the documentary evidence, appertaining to the investigations, as underway into the FIR (supra).

8. Consequently, the instant petition is allowed, and, the order made by this Court on 22.2.2022, is made absolute on the same terms and conditions,

and, also with the conditions (supra).

9. The afore observations are meant only for the disposal of the present petition, and, shall not affect the merits of the trial arising from the FIR (supra).

(SURESHWAR THAKUR)
JUDGE

May 11, 2022
Gurpreet

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