

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

**CRM-M-16814-2022**

**Date of decision : July 12, 2022**

**Sukhcharan Singh alias Sukha**

**..... Petitioner**

**Versus**

**State of Punjab**

**..... Respondent**

**CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

**Present:-** Mr. A.S. Khosa, Advocate for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

**VINOD S. BHARDWAJ J. (ORAL)**

The instant petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case bearing FIR No.193, dated 17.07.2021, under Section 406 Indian Penal Code, registered at Police Station City, District Sri Mukatsar Sahib.

Learned counsel appearing for the petitioner contends that the complainant has not handed over such a huge amount to the petitioner and furthermore, that a simple money dispute has been put forth as a criminal offence in order to arm twist the petitioner. It is averred in the petition that the petitioner was not working as an agent of the Post Office and as such there was no occasion for him to receive any money during the period of October 2019 onwards.

*Per contra*, learned counsel appearing on behalf of the State informs that the father of the petitioner was employed in the Post Office and that the petitioner himself was operating as a private agent for securing small savings for the Post Office and had an agency in the name of his wife. He was receiving all the deposits in cash from the marginal persons for

depositing the same in the Post Office. However, the amount in question was not deposited and the petitioner has utilized the same for his own business purposes. Furthermore, when the petitioner was confronted about the misappropriation of amount of Rs.15,00,000/-, he entered into a settlement to repay the same in installments and that various cheques towards discharge of the said liability were also issued. However, even the said cheques, upon presentation, have been dishonoured.

Apparently, the petitioner is trying to misuse the process of law and has not approached the Court with clean intent. The Post Office accounts are usually maintained by marginal farmers/labourers and taking advantage of the confidence of the under privileged persons the petitioner on account the father of the petitioner being employed in Post Office, he has misappropriated the money from the gullible persons, who trusted him. The subsequent settlement arrived at between the petitioner as well as the complainant shows admission and acknowledgement of the liability by the petitioner himself which stands crystallized by issuance of the cheques by the petitioner towards discharge of the same. There is no reason that such concession should be extended in favour of the petitioner.

The petition is accordingly dismissed.

**(VINOD S. BHARDWAJ)**  
**JUDGE**

**July 12, 2022**  
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Whether speaking / reasoned  
Whether Reportable:

Yes / No  
Yes / No