

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

207

CRM-M-22535-2020

Date of Decision : **July 14, 2022**

MANOJ KUMAR

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Ajaivir Singh, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI. J. (Oral)

The present petition is filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case FIR No.311 dated 29.6.2019 under Sections 406, 420 IPC, registered at Police Station Indri, District Karnal.

The learned counsel for the petitioner has submitted that in the present case, the petitioner has been falsely implicated and the allegations against the petitioner are not substantiated although he has been specifically mentioned in the FIR and direct role has been attributed to the petitioner. He submitted that be that as it may, the petitioner has already joined the investigation in pursuance of the order dated 13.8.2020. He further submitted that during the investigation he has fully cooperated with the investigation process and, therefore, the interim order dated 13.8.2020 may be made absolute. He also submitted that the petitioner was not the only person deputed in the Post Office where the allegations of embezzlement have been made but there are senior officers also and the petitioner has been made a scapegoat.

On the other hand, the learned State counsel has submitted that although the petitioner came for the purpose of joining of the

investigation but infact the joining of investigation was only an empty shell as he failed to cooperate at all with the investigation process. He submitted that it is a case where the allegations against the petitioner are that he was posted as Branch Post Master at Post Office, Hinori Branch with Indri Post Office which is a Branch in the village and he received Rs.15,82,877.25/- by way of cash from about 210 depositors for getting the money deposited in Sukanya Samridhi Accounts which is meant for the purpose of small deposits of a girl child apart from other RD accounts and Saving accounts but after the receiving of the aforesaid amount, he did not deposit the same in the Government account and he embezzled the entire amount. He further submitted on instructions from SI Mohit Kumar, who is also present in the Court that in that small Post Office in the village two persons were posted i.e. the petitioner and another person who was subordinate to him and there was no other senior person posted in the Post Office and he received money from the years 2015 to 2018. Although audit was made for these years but the same was not detected by the Audit Department but in the year 2018 it was detected and it was found that the entire money which he had received was not deposited in the Government Account. The learned State counsel has further referred to the record of the investigation to show that the petitioner had even signed on almost every entry of receipt of money but the entire aforesaid amount was never deposited in the Treasury. He submitted that a embezzlement of a large magnitude has been done by the petitioner by duping poor people of the village. He further submitted that he did not disclose anything to the police with regard to the modus operandi adopted by him and the whereabouts of the huge amount of money. He submitted that even a preliminary departmental enquiry was conducted in which it was concluded that the petitioner had taken the aforesaid amount from a large number of depositors and did not deposit the same in the Government Treasury and for this purpose since the petitioner has not cooperated with the investigation process at all his custodial investigation is required for the purpose of qualitative interrogation and has also referred to the judgment of the Hon'ble Supreme Court in **State**

represented by the C.B.I. Vs. Anil Sharma in CrI. Appeal No.811 of 1997. He further submitted that there is also possibility of embezzlement with regard to the other time periods regarding which also custodial interrogation was required since no recovery is made from the petitioner as yet.

I have heard the learned counsels for the parties.

The allegations against the petitioner are with regard to embezzlement of Rs.15,82,877.25/- when he was posted as Branch Post Master in the Sub Post of the village from where he allegedly received the aforesaid amount from about 210 villagers who were depositors in the Government scheme i.e. Sukanya Samridhi Accounts which is meant for the minor girl child. A preliminary enquiry was held by the Department wherein as per the learned State counsel, the petitioner has not deposited the aforesaid amount which he received for a period of about 3 years but ultimately the Audit Department detected the aforesaid amount. The argument raised by the learned counsel for the petitioner that he has been made a scapegoat gets demolished from the argument raised by the learned State counsel that infact it was a small Post Office in the village in which the petitioner was the only person who was handling alongwith another employee who was subordinate to him and the petitioner was to accept the cash from the depositors and to deposit the same in the Government Treasury which he allegedly did not do. The argument raised by the learned State counsel that although the petitioner joined the investigation but it was an empty shell because he did not disclose anything and also no recovery is made from him does carry weight. The mere fact that the petitioner was granted interim protection by this Court but the reason and rationale behind granting interim bail was that the petitioner should not only join the investigation but he should also properly cooperate with the Investigating Agency so that the matter can be investigated in a proper manner. But in the present case the petitioner has failed to do so. The magnitude of the case is undoubtedly high and apart from the same it has an immense social impact considering the facts

of the present case whereby the petitioner has allegedly duped about 210 depositors of the village in this regard.

Therefore, considering the aforesaid facts and circumstances whereby the magnitude and seriousness of the offence apart from its social impact is too high, this Court is of the considered view that the prayer made by the learned State counsel that the custodial investigation of the petitioner is required is just and proper.

Consequently, finding no merit in the present petition, the same is, hereby, dismissed.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

July 14, 2022

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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No