

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

CRM-M-27792-2022 (O&M)
Date of Decision:- 24.11.2022

Mahaveer Singh @ Mahabir Singh ... Petitioner

Versus

State of Punjab and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Riffi Bala Birla, Advocate for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by ASI Resham Singh.

Mr. S.P.S.Tinna, Advocate for respondent No. 2/complainant.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in a case registered against him vide FIR No. 60 dated 24.5.2022 under Sections 420, 465, 467, 468, 471, 409 IPC at Police Station Khuian Sarwar, District Fazilka.
2. The FIR was registered on the statement of Rajpal Singh, Assistant Registrar, Cooperative Societies, Abohar wherein it is alleged that Mahavir Singh, former Secretary of '*The Danewala Satkosi Multipurpose Cooperative Agriculture Society Limited, Danewala*' had embezzled stocks of the society worth an amount of ₹ 34,64,390/-.
3. The learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case and is being made a scapegoat after he had retired from service and that while the alleged embezzlement is stated to be in respect of period 1.4.2020 to 11.11.2020, the petitioner had

already retired from service on 30.9.2020. It has further been submitted that no authenticity can be attached to the alleged accounts which have been prepared by the Society without associating him and that since the petitioner, in any case, is willing to associate with all kinds of proceedings, he deserves the concession of anticipatory bail.

4. Opposing the petition, the learned State counsel assisted by counsel for the complainant submitted that it was pursuant to an inquiry and physical verification of accounts conducted by a sub-Committee comprising of three Inspectors of the Cooperative Society that the details of the embezzlement had been pointed out. The learned State counsel has further informed that subsequently a four member Committee was constituted by the Assistant Registrar, Cooperative Societies, Abohar vide letter dated 12.1.2021 which had taken into account the entire record and the stocks and had submitted its detailed report and had reached at a conclusion that the petitioner had embezzled stocks worth ₹34,64,390/-.

5. This Court has considered rival submissions addressed before this Court and has also perused the report dated 2.2.2021 placed on record by the complainant, which is not disputed by the State counsel. The details of the difference in stocks as well as the stocks which were found absolutely missing have been mentioned as follows :-

(1)		<u>Shortfall</u>				
S. No.	Item Name	Stock in the Society as per the Stock Report	The stock received by Rajesh Kumar from Secretary Mahavir Singh on 11.11.2020	Short Stock	Rate	Amount of Short Stock
1	13:0:45	287	184	103	110.00	11330.00
2	17:44:0	115	81	34	79.00	2586.00

3	ACTARA (TAIYO) 500G	40	2	38	580.00	22040.00
4	COFIDOOR (ISOGHASI)	44	20	24	1160.00	27840.00
5	DAP 1290	400	72	328	1290.00	423120.00
6	DAP IFFCO	931	538	393	1200.00	471600.00
7	HIMWARI 1000	130	2	128	725.00	92800.00
8	KABUTO	47	6	41	370.00	15170.00
9	KAGUYA	3	2	1	305.00	305.00
10	KAPER	23	14	9	620.00	5580.00
11	KOMUNGI (NENO)	34	4	30	1200.00	36000.00
12	MOYASHI 1000 GM	50	49	1	940.00	940.00
13	NPK IFFCO	388	360	28	1100.00	30800.00
14	PIKA PIKA 1000 ML	30	19	11	800.00	8800.00
15	POTASH	237	131	106	950.00	100700.00
16	SULFER	175	15	160	215.00	34400.00
17	SUPER	1239	583	656	215.00	141040.00
18	UERA NEEM 45 KG	2801	340	2462	266.00	654892.00
19	UREA NEEM 50 KG	754	169	585	284.00	166140.00
20	URI 1000ML	72	61	11	550.00	6050.00
21	WSF 0.0.50 5KG	40	8	32	385.00	12320.00
22	WSF SOP 0:0:50 1 KG	170	17	153	85.00	13005.00
23	18:18:18	-83	45	-128	78.00	-9984.00
24	ACTARA TAIYO 1 KG	42	55	-13	1100.00	-14300.00
25	00:52:34 TOTAL :	10	24	-14	675.00	-9450.00 2243824.00

(2)

Missing

S. No.	Item Name	Stock in the Society as per the Stock Report	The stock received by Rajesh Kumar from Secretary Mahavir Singh on 11.11.2020	Short Stock	Rate	Amount of Short Stock
1	13:0:45 NEW	16	0	16	475	6500.00
2	CATEEL FEED FERTILIZER	19	0	19	925	17575.00
3	FEED MIFCO	12	0	12	1450	17400.00
4	HAMADA	20	0	20	475	9500.00
5	HAMDA 250 ML	40	0	40	265	10600.00
6	Kribco compost	137	0	137	183	25071.00
7	M STAR TOP	1	0	1	2900	2900.00
8	M-45	-22	0	-22	300	-6600.00
9	NPK	619	0	619	1290	798510.00
10	NPK 1011	21	0	21	1085	22785.00

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11	PIKAPIKA 500 ML	-8	0	-8	410	-3280.00
12	PROFONOF OSS	-142	0	-142	650	-92300.00
13	SAGRIKA	3	0	3	405	1215.00
14	SAGRIKA BALTI	2	0	2	505	1010.00
15	SAGRIKA-1000ML	87	0	87	500	43500.00
16	SATSUMA 1000 GM	40	0	40	300	12000.00
17	SULFER MIFCO 200	132	0	132	215	28380.00
18	UREA	1020	0	1020	295	300900.00
19	ZINKE 33%	56	0	56	425	23800.00
	TOTAL					1220566.00

6. It has been informed by learned State counsel that the retirement order in respect of the petitioner was infact formally passed on 17.3.2021 vide which he was ordered to be treated as retired w.e.f. 30.9.2020 and that as such, he cannot escape from his liability in respect of shortages pertaining to the period 1.4.2020 to 11.11.2020.

7. In view of the aforestated factual position wherein huge stocks have been found to be deficient and missing, this is certainly a case where custodial interrogation of the petitioner would be required so as to find out as to how the said stocks came to be disposed of and as to who else was involved in the same. No special case for grant of anticipatory bail is made.

8. The petition is sans merit and is hereby dismissed.

24.11.2022
kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No