

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-48632-2022(O&M)
Date of decision : 31.10.2022

Avtar Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.H.S.Randhawa, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr.DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.26 dated 25.09.2022 registered under Sections 420, 406, 409, 465, 467, 471, 120-B IPC at Police Station Vigilance Bureau, Patiala District Patiala.

On 21.10.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner inter alia contends that in the present case, there are four allegations which are primarily made in the FIR and the only allegation with respect to the release of Rs.28,800/- against vehicle bearing registration No.PB-13AB-7345 for a period 23.02.2017 to 31.03.2017 which is alleged to have been used for personal purposes of one Bhagirath Rai Goyal, has been levelled against the present petitioner. It is further submitted that even with respect to the same, it is stated that the abovesaid vehicle was hired by the Municipal Council, Sunam vide work order dated 23.02.2017 and the resolution was also passed to the said effect and that Chandan Goyal (co-accused) had applied for the release of the amount vide letter dated 17.04.2017 and the

said letter was approved after verification done and in the same, the present petitioner was not involved. It is contended that after the verification of the said bill, instructions were passed by the Executive Officer who is the competent authority to disburse the amount and the present petitioner, in accordance with the said directions, had prepared the voucher and the amount was released by way of cheque issued by the Executive Officer. It is further contended that the petitioner is only an Accountant and had only prepared a voucher in accordance with the Rules and his custodial interrogation is not required since the entire case is based on documentary evidence. It is argued that the petitioner is not involved in any other case. It is also contended that the petitioner in order to show his bona fide, is ready to deposit an amount of Rs.28,800/- with the Municipal Council, Sunam within a period of eight days from today without admitting his liability.

Notice of motion for 31.10.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

The petitioner is directed to deposit an amount of Rs.28,800/- with the Municipal Council, Sunam within a period of eight days from today and produce the receipt regarding the same on the next date of hearing.

It is made clear that in case, the said amount is not deposited within a period of eight days from today, then the present interim relief granted in favour of the petitioner would be liable to be vacated.

The payment of the amount of Rs.28,800/- with the Municipal Council, Sunam would not be construed as an admission of guilt by the petitioner.

To be heard alongwith CRM-M-46648-2022.

21.10.2022”

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation and

DAVINDER KUMAR
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I attest to the accuracy and
authenticity of this document

has also deposited an amount of Rs.28,800/- with the Municipal Council,

Sunam.

Learned State counsel has submitted that the petitioner has joined investigation and is not required for further investigation and has reiterated the fact that the petitioner has deposited an amount of Rs.28,800/- with the Municipal Council, Sunam.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 21.10.2022, and also the fact that the petitioner has joined the investigation and is not required for further investigation and the fact that the petitioner has deposited an amount of Rs.28,800/- with the Municipal Council, Sunam, the present petition is allowed and the interim order dated 21.10.2022 is made absolute.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

Pending miscellaneous application stands disposed of in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

October 31, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No