

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

Date of Decision: 30.05.2022

CRM-M-1509-2022

1.

YATINDER TANDON

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

2.

CRM-M-2156-2022

SOHAN SINGH AND ANOTHER

.....PETITIONERS

VERSUS

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

3.

CRM-M-14534-2022

ANAND KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Sourabh Arora, Advocate
for the petitioner in case CRM-M-1509-2022.
Mr. Ashok Kumar Arora, Advocate
for the petitioner(s) in case CRM-M-2156-2022 and
CRM-M-14534-2022.

Mr. Harpreet Singh Multani, AAG, Punjab.

Mr. Amit Kumar Goyal, Advocate
for Union of India in case CRM-M-14534-2022.

Mr. Rajiv Sharma, Advocate
for respondent No. 2 in CRM-M-1509-2022
and CRM-M-2156-2022.

SURESHWAR THAKUR, J. (ORAL)

1. Since the afore three petitions arise from a common thereto

DDR No. 46 dated 01.06.2017, and, criminal complaint No.19/2017 dated

02.06.2017, hence registered at RPF/Post/Amritsar, embodying therein, offences constituted under Section 3(a) and 4 Railway Property (Unlawful Possession) Act, 1966, and, further carried in complaint No. CHA/16456/2021, as, pending before the court of learned Chief Judicial Magistrate, Amritsar, therefore, all the above petitions are amenable for a common verdict being made thereons.

2. Through the instant petitions cast under Section 438 Cr.P.C., the petitioner(s) pray for indulgence of anticipatory bail being granted to them.

3. In the petition complaint, the property of the railways department valued at about six lakhs, is alleged to be embezzled at the instance of the present bail petitioner(s).

4. The penal act of embezzlement, as, becomes attributed to the present bail petitioner(s), arises from theirs working in different capacities at the store(s) of the railways department.

5. Since in respect of the co-accused along with the present bail petitioner(s), this court through an order made on 23.01.2018, upon CRM-M-40926-2017, had admitted one Likh Pal Singh, to pre arrest bail. Therefore, when the learned counsel for the respondent, has not been able to place before this court, any material suggestive, that the incriminatory role assigned to the present bail petitioner(s), is more heinous or more grave, than, as become assigned to the bail petitioner(s), in the above petition.

6. In consequence this court becomes constrained to treat the present bail petitioner(s) at par with the bail petitioner in the above petition.

7. Moreover, also when, at this stage, no evidence is adduced

before this Court by the prosecution, suggestive of the fact, that in the event of the petitioner(s), becoming admitted to anticipatory bail, there is every likelihood of their fleeing from justice, and, tampering with the prosecution evidence.

8. In addition, this court does not deem it fit, as a pre condition for the bail petitioner(s) becoming admitted to anticipatory bail, qua theirs depositing pro rata resonable sums of the embezzled amount, in the establishment of the learned trial Magistrate, rather for its working, as compensation to the prosecution, in case a verdict of conviction is made, on the accused, by the learned trial Judge concerned, upon, the petition complaint. The reason for making the above becomes, derived from the factum that, all the bail petitioner(s) are employees of railway department, and, in the proceedings for recoveries of embezzled amounts, as may become drawn against them, the respondents can therethrough ensure pro rata recoveries, therethroughs from each of the accused, of the, embezzled sums of money by each of them.

9. In consequence, this Court becomes constrained to admit the present petitioner(s) to anticipatory bail.

10. In aftermath, the bail applicant-petitioners are admitted to anticipatory bail, and, in the event of their arrest, they may not be arrested by the investigating officer concerned. However, subject to the bail applicant-petitioners furnishing personal, and, surety bonds in the sum of Rs. 50,000/- each, to the satisfaction of the arresting officer. Furthermore, the bail applicant-petitioners shall also give an undertaking before the arresting officer, that as and when they are summoned through a written Hukamnama, they shall ensure

theirs rendering cooperation to the investigating officer and, also subject to theirs not tampering with prosecution evidence, and, also theirs appearing before the trial Court concerned, as and when directed to make their personal appearance unless validly exempted.

11. Disposed of.

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

(SURESHWAR THAKUR)
JUDGE

May 30, 2022
Kavneet Singh

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