

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

- (1)

CRM-M-320-2023 (O&M)

Harjit Singh

...Petitioner

Versus

State of Punjab and another

...Respondents
- (2)

CRM-M-952-2023 (O&M)

Ram Pal

...Petitioner

Versus

State of Punjab

...Respondent
- (3)

CRM-M-4583-2023 (O&M)

Bhupinder Singh

...Petitioner

Versus

State of Punjab

...Respondent
- Date of Decision:- 22.2.2023

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Sandeep Gors, Advocate for the petitioner
in CRM-M-320-2023.

Mr. Dinesh Nagar, Advocate for the petitioner
in CRM-M-952-2023.

Mr. G.S.Bhatia, Advocate for the petitioner
in CRM-M-4583-2023.

Mr. Luvinder Sofat, DAG, Punjab
assisted by Inspector Sat Parkash Singh.

GURVINDER SINGH GILL, J.

1. This order shall dispose off the above mentioned three petitions filed on behalf of Harjit Singh, Ram Pal and Bhupinder Singh seeking grant of regular bail in a case registered vide FIR No.16 dated 5.9.2022 under Sections 13(1) read with Section 13(2) of the Prevention of Corruption Act, 1988 and Sections 408, 420, 465, 467, 468, 477-A/120-B IPC at Police Station Vigilance Bureau Range, District Jalandhar.
2. The allegations, as per the FIR, are to the effect that there are about 1220 Account Holders/Members in Kajla Multi-purpose Co-operative Society, Village Kajla, Tehsil Banga, District Shaheed Bhagat Singh Nagar. The said Society has two tractors and agricultural implements and the Society sells fertilizers and pesticides to farmers. The villagers have invested crores of rupees in FDRs in the said Society. During the course of checking/audit in respect of the accounts from the year 2012-2013 to 2017-2018, an embezzlement amounting to Rs.4,24,02,561/- came to light. It is alleged that it was the responsibility of the Inspectors, Co-operative Society, who had remained posted from the year 2012-2013 to 2018-2019, to have checked 100% of the record of the Society twice a year and as per instructions of Government, it is the duty of the Audit Inspectors to check 10 per cent record of the Primary Co-operative Society at least once a year. It is alleged that in case the said persons had performed the duties diligently, the embezzlement could have been traced at initial stages. Satnam Singh, Jasvir Singh and Vivek Kumar had remained posted as Audit Inspectors/Senior Auditor and Harbhajan Singh and Waryam Singh had remained posted as Inspector General of the Society during the relevant period. Bhagwant

Kumar and Harsh Marwaha, who had remained Managers of the Co-operative Bank had sanctioned overdraft limit against FDRs of the Society after passing resolutions by the Society. One Sawinder Singh had lodged a complaint against Raj Kumar (present Secretary) of the Society alleging commission of fraud, which had been marked to Deputy Superintendent of Police, Vigilance Bureau, S.B.S. Nagar. Balvir Lal and Suresh Chand Bassi were Committee Members, who were equally responsible for the embezzlement as ex-Secretary Prem Singh and Cashier Bhupinder Singh were working under the supervision of the Committee. It is alleged that withdrawing money and sanctioning loans is not possible without signatures of the Committee/Managerial Members. It is, thus, alleged that former Secretary Prem Singh, Bhupinder Singh (Secretary under dismissal), former President Jaswinder Singh, Vice President Harvel Singh, former Member Ram Pal, former Member Harjit Singh and former Member Balkar Singh had committed offences under Sections 408, 420, 465, 467, 468, 477-A/120-B IPC and Section 13(1) read with Section 13(2) of the Prevention of Corruption Act, 1988. It is further alleged that the roles of Audit Inspectors Satnam Singh, Jasvir Singh, Vivek Kumar and also of Inspector Generals Surinder Pal, Vinod Kumar, Harbhajan Singh, Waryam Singh and that of Manager Bhagwant Kumar and Manager Harsh Marwaha and current Secretary Raj Kumar and of Balvir Singh, Member and of Suresh Chand Bassi shall be inquired into during investigation.

3. The learned counsel for the petitioners have submitted that very wild sweeping allegations have been levelled in the FIR wherein a large number of persons have been nominated as accused despite there being no concrete

evidence to establish their complicity. It is alleged that the FIR came to be lodged much after the alleged occurrence and since several persons had remained posted during the period in question, the innocent Members/Officials of the Society are also being roped in unnecessarily. It has been submitted that the petitioners enjoy a clean record and are not involved in any other case.

4. On the other hand, the learned State counsel has submitted that the petitioners are specifically named in the FIR and that the petitioners cannot *feign* ignorance about the commission of aforesaid embezzlement since the embezzlement at such a huge scale could not have remained unnoticed and apparently, the same had been committed with active connivance of the petitioners. The learned State counsel has, however, informed that challan already stands presented against the petitioners and that the petitioners have been behind bars since the last about 4 months and otherwise have a clean record.
5. This Court has considered rival submissions addressed before this Court.
6. It is correct that specific allegations have been levelled against the petitioners with respect to embezzlement in the funds of Kajla Multi-purpose Co-operative Society, Village Kajla, Tehsil Banga, District Shaheed Bhagat Singh Nagar. However, as of now, investigation already stands concluded and challan has been presented. The trial is yet to commence inasmuch as even the charges have not been framed so far. The petitioners otherwise enjoy clean record. In these circumstances, further detention of the petitioners will not serve any useful purpose.

8. All the petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
9. A photocopy of this order be placed on the file of connected cases.

22.2.2023

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No