

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-960-2023 (O&M)
Date of Decision:- 14.3.2023

Kuldeep Singh Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Barjesh Kumar Sharma, Advocate, for the petitioner.

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

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.24, dated 20.9.2016 at Police Station Vigilance Bureau, Patiala, District Patiala, under Sections 409, 420, 467, 468, 471 and 120-B of Indian Penal Code and Sections 13(i), 13(ii) of Prevention of Corruption Act, 1988.
2. At the time of issuance of interim bail the following order was passed on 10.1.2023:

“The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.24, dated 20.9.2016 at Police Station Vigilance Bureau, Patiala, District Patiala, under Sections 409, 420, 467, 468, 471 and 120-B of Indian Penal Code and Sections 13(i), 13(ii) of Prevention of Corruption Act, 1988.

The allegations as levelled in the FIR are broadly to the effect that Sushil Kumar Sharma, Tehsildar, Gurinderjeet Singh, Patwari and Darshan Singh, Field Kanungo had embezzled an amount of Rs.1,04,250/- and had distributed the same to 10 different persons on the pretext of compensation for destruction of cotton crop. The petitioner is alleged to be one such beneficiary.

Learned counsel for the petitioner submitted that the petitioner is nowhere named in the FIR and came to be nominated as an accused subsequently on the premises that an amount of Rs.33,700/- by way of two transactions had been deposited in his bank account, whereas he had not signed any such vouchers for deposit of these amounts. Learned counsel for the petitioner submits that the petitioner, in any case, in order to prove his *bonafides* is willing to deposit an amount of Rs.1 lakh before the Trial Court without any prejudice to his rights to defend himself.

Notice of motion for 14.3.2023.

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

The petitioner, as per his offer, shall deposit an amount of Rs.1 lakh before the Trial Court/Illaq Magistrate within a period of 2 weeks from today. Upon deposit of such amount, the Trial Court/Illaq Magistrate shall get the same invested in some FDR with some Nationalized Bank with a specific direction to Manager of the bank concerned not to entertain any request for encashment of the same except under orders of the Court.”

3. Learned State counsel has submitted that the petitioner has joined investigation and is not required for any custodial interrogation.
4. In view of the aforestated position wherein the petitioner has joined investigation and he is not stated to be required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 10.1.2023 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
5. The amount of Rs.1 lakh is stated to have been deposited by the petitioner before the trial Court. The Trial Court shall get the same invested in some FDR with some Nationalized Bank with a specific direction to Manager of the bank concerned not to entertain any request for encashment of the same except under orders of the Court. Upon the petitioner being declared innocent or being acquitted and such acquittal attains finality, the petitioner shall be entitled to proceeds of the said FDR. However, in case the petitioner is found guilty and is convicted and such conviction attains finality, the amount in question shall stand forfeited to the State.

14.03.2023

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No