

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7949-2023 (O&M)
Date of order: 22.11.2023

Kashmir Chand @ Kashmir Lal

... Petitioner(s)

Versus

State of Punjab

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Rahul Arora, Advocate
for the petitioner(s).

Mr. Shiva Khurmi, A.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
281	13.12.2022	Sadar Fazilka, District Fazilka	409 IPC and 13 of the Prevention of Corruption Act, 1988

1. Apprehending arrest in the FIR captioned above, the petitioner who is an Ex-Secretary of a co-operative society, had come up before this Court seeking anticipatory bail under Section 438 CrPC.

2. As per paragraph 16 of the bail petition, the accused declares his criminal antecedents as under:-

S.No.	FIR No.	Dated	Offences	Police Station
1.	163	22.5.2020	--	Sadar Fazilka
2.	74	16.3.2020	--	Sadar Fazilka

3. The allegations against the petitioner are of embezzlement of stocks of the society and after returning back about half of the embezzled money, an amount of Rs.12,60,307/- is still outstanding against the petitioner.

4. On 20.4.2023, the petitioner had undertaken to pay back the balance amount in the shortest possible time. Thereafter, vide order dated 27.09.2023, this Court had

granted interim bail to the petitioner, primarily because the petitioner’s counsel had stated that they would have no objection in case this Court imposes any stringent conditions including declaration of assets. The said order is continuing till date.

5. Counsel for the petitioner submits that he has voluntarily complied with all the conditions mentioned in the order dated 27.09.2023. He further submits that on 20.11.2023, he had handed over two demand drafts for a total sum of Rs.3,50,000/- to the investigator in Court itself for depositing with the concerned society and he further undertakes to return the remaining amount to the concerned society within a reasonable period.

6. State has no objection to the contention raised on behalf of the petitioner.

7. Given above, the petition is allowed and interim order dated 27.09.2023 is made absolute, subject to petitioner’s depositing the outstanding amount on or before 31.03.2024. However, it is clarified that in case the petitioner fails to pay the outstanding amount on or before 31.03.2024, the State shall be at liberty to seek cancellation of bail.

Petition allowed. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

November 22, 2023
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No