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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.11957 of 2023

Date of Decision: 15.03.2023

ANSHUMAN KALIA

.....Petitioner

Vs

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Viren Sibal, Advocate
for the petitioner.

Mr. Sanjeev Soni, Addl. A.G., Punjab.

RAJ MOHAN SINGH , J.(ORAL)

The petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.205 dated 03.08.2022 registered under Sections 409, 420, 120-B, 465, 467, 468, 471 IPC at Police Station Division No.8, Police Commissionerate, Jalandhar.

Learned counsel for the petitioner submits that 6 different FIRs have been registered in respect of same cause of action which pertains to utilization of public funds meant for public relations and for utilization of projects i.e. construction of community halls. The allegations are that an amount of Rs.10 lakhs each was allocated for welfare and development of

different societies viz. Industrial Area Welfare and Development Society, Industrial Area Social Welfare Society, Sodal Nagar Sidh Mohalla Welfare Society, Bhai Lalo Welfare Society, Shaheed Bhagat Singh Welfare Housing Society and Shiv Nagar Youth Welfare Society. Except the petitioner, all other accused have been granted anticipatory bail vide different orders passed in Criminal Miscellaneous petitions. The anticipatory bail of the petitioner was finally dismissed vide order dated 19.12.2022. Thereafter, the petitioner filed petition under Section 439 Cr.P.C. before the Court of Sessions and the same has also been dismissed vide order dated 01.03.2023.

Evidently, the society was constituted with some members but thereafter some other members were changed and new members were inducted in their places. The petitioner was never inducted as member but he just facilitated the completion of construction work as the father of the petitioner was counsellor of the ward, where the Shaheed Bhagat Singh Welfare Housing Society was situated. Evidently, the amount so advanced to the society has since been returned to the concerned quarter and the factum of temporary embezzlement, if any, can be appreciated by the trial Court at the relevant stage. The petitioner surrendered before the Court on 27.02.2023. The petitioner was subjected to one day police remand and after joining the investigation, the petitioner was

sent to judicial custody. The custody of the petitioner is no more required for any further investigation in the case. The offences are triable by the Magistrate.

The factum of grant of interim/anticipatory bail to the co-accused could not be denied by learned State counsel on instructions from ASI Kulwinder Singh P.S. Division No.8, Jalandhar.

Learned State counsel admits that except the petitioner, other co-accused are either on anticipatory bail or having interim protection from the Court. The amount of Rs.12 lakhs stands deposited with the Court subject to final outcome of the trial.

Keeping in view the facts and circumstances of the case, particularly in the light of anticipatory bail granted to the other co-accused and unfortunate demise of the father of the petitioner on 28.01.2023, I deem it appropriate to grant regular bail to the petitioner. This petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

15.03.2023

P.Bhatt

Whether speaking/reasoned
Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No
Yes/No