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

CRM-M-15237-2023 (O&M)
Date of Decision:- 11.04.2023

Prem Singh … Petitioner

Versus

State of Punjab and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Manavsi Sharma, Advocate, for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by Inspector Avtar Singh.

*****

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.16 dated 05.09.2022 under Sections 13(1)A read with Section 13(2) of Prevention of Corruption Act, 1988 as amended by PC (Amendment) Act, 2018 and Sections 408, 420, 465, 467, 468, 477-A/120-B IPC, Police Station Vigilance Bureau, Range 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

MOHAN SINGH
2023.04.11 14:56
I attest to the accuracy and
authenticity of this
order/judgment

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 Cooperative 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 responsbile 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

MOHAN SINGH
2023.04.11 14:56
I attest to the accuracy and
authenticity of this
order/judgment

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 petitioner has submitted that very wild sweeping allegations have been levelled in the FIR wherein a large number of persons have been nominated as accused. It has been submitted that there is no concrete evidence to establish the complicity of petitioner. It is alleged that the FIR came to be lodged belatedly much after the alleged occurrence and as such carries no sanctity. It has been submitted that the petitioner enjoys a clean record and is not involved in any other case.

4. On the other hand, the learned State counsel has submitted that the petitioner is specifically named in the FIR and that the petitioner cannot *feign* ignorance about the commission of aforesaid

MOHAN SINGH
2023.04.11 14:56
I attest to the accuracy and
authenticity of this
order/judgment

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 petitioner. The learned State counsel has, however, informed that challan already stands presented against the petitioner and that the petitioner has been behind bars since the last more than 7 months and otherwise has a clean record.

5. This Court has considered the rival submissions.

6. It is correct that specific allegations have been levelled against the petitioner with respect to embezzlement in the funds of Kajla Multipurpose Co-operative Society, Village Kajla, Tehsil Banga, District Shaheed Bhagat Singh Nagar where he remained posted as Secretary. However, as of now, investigation already stands concluded and challan has been presented. The trial is yet to commence inasmuch as none out of the cited 33 PWs has been examined. The petitioner otherwise enjoys a clean record. In these circumstances, further detention of the petitioner who has been behind bars since last 7 months, will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

11.04.2023 **(GURVINDER SINGH GILL)**
mohan **JUDGE**

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No

MOHAN SINGH
2023.04.11 14:56
I attest to the accuracy and
authenticity of this
order/judgment