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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22780-2021 (O&M)

Date of decision: 12.09.2023

Sandeep Kumar Kushal Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr.Ripudaman Singh Sidhu, Advocate,
for the petitioner.

Mr. I.P.S. Sabherwal, DAG, Punjab.

MANJARI NEHRU KAUL, J.

1. Prayer in this petition is for grant of anticipatory bail to the petitioner in case FIR No.79 dated 15.05.2021 under Sections 409, 420 and 120-B of the IPC registered at Police Station Bassi Pathana, District Shri Fatehgarh Sahib.
2. Vide order dated 19.04.2023, petitioner was granted the concession of interim bail in the following terms :-

“Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

Prayer in the petition under Section 438 Cr.P.C. is for grant of prearrest bail to the petitioner in case FIR No.79 dated 15.05.2021 registered under Sections 409, 420 and 120-B IPC, at Police Station Bassi Pathana, District Sri Fatehgarh Sahib.

Learned counsel contends that the petitioner, who is working as Steno in PHC Nandpur Kalour, District Fatehgarh Sahib, has been implicated in the instant case

on the allegation that he embezzled salaries of the employees while working as Accountant/Steno in PHC Nandpur Kalour, District Fatehgarh Sahib but the same was only on account of clerical mistake and out of Rs.11,83,686/-, payable to other employees, major part of the amount has already been refunded and the balance approximately Rs.2 lakhs was not payable as it was part of salary payable to him. Learned counsel contends that the petitioner is currently a Covid19 patient besides the entire matter is based on documentary record. Moreover, the petitioner is ready and willing to join investigation and fully cooperate in the same after recovering from Covid-19.

Notice of motion.

Ms. Samina Dhir, DAG, Punjab accepts notice on behalf of the respondent-State and requests for time to file reply.

Adjourned to 28.06.2021.

In the meantime, arrest of the petitioner is stayed till the next date.”

3. Learned counsel for the petitioner states that pursuant to order dated 19.04.2023, passed by this Court, the petitioner has joined the investigation and cooperated with the Investigating Agency.

4. Learned State counsel has not disputed the submissions made by learned counsel opposite

5. In view of the above, the petition is allowed and interim order dated 19.04.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

12.09.2023

Satyawan

(MANJARI NEHRU KAUL)
JUDGE

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