

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209

CRM-M-32238-2023

Date of Decision: 14.11.2023

Jaspal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. M.S.Virk, Advocate for the petitioner.
Mr. H.S.Sitta, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.50 dated 06.06.2023, under Section 409 IPC registered at Police Station Jhunir, District Mansa.

2. Learned counsel for the petitioner has submitted that it is a case where the allegations against the petitioner are that he embezzled the funds of the Cooperative Society, while he was working as Secretary of the Society. He further submitted that the total disputed amount in the present case was Rs.7,40,725/- and the petitioner has already deposited Rs. 1,12,000/- during the arbitration proceedings under the provisions of the Cooperative Society Act. He submitted that those arbitration proceedings are still pending before the competent officer and it is yet to be decided at the time of arbitration as to what amount is to be paid if any. He further submitted that even the salary of the petitioner has not been paid which is approximately more than Rs.7,00,000/- as of today and submitted that the petitioner has already joined the investigation in pursuance of the order passed by this Court on 07.07.2023 and he has fully

etc. are already with the Police and therefore, the interim order dated 07.07.2023 may be made absolute.

3. On the other hand, Mr. H.S. Sitta, learned DAG, Punjab, has submitted on instructions that it is correct that the petitioner has already joined the investigation in pursuance of the order dated 07.07.2023 passed by this Court. He however submitted that the entire embezzled amount has not been recovered from the petitioner.

4. I have heard the learned counsels for the parties.

5. The prayer is for grant of anticipatory bail. This Court on 07.07.2023 had granted interim bail to the petitioner. As per the learned State counsel and learned counsel for the petitioner, the petitioner has already joined the investigation. The objections raised by learned State counsel that the amount is yet to be recovered is not sustainable in view of the fact that the amount as yet has not been ascertained and even the arbitration proceedings under the provisions of the Cooperative Society Act are still pending and apart from the above even the entire record etc. is already with the Police and therefore this Court deems it fit and proper to grant anticipatory bail to the petitioner.

6. Consequently, the present petition is allowed and the order dated 07.07.2023 is hereby made absolute.

(JASGURPREET SINGH PURI)
JUDGE

14.11.2023
'Rajneesh'

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No