

207

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 35551 of 2022

Date of Decision :24.08.2023

Rupinder Singh@ Ruby

... Petitioner

Versus

State of Punjab

... Respondents

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Aminder Singh, Advocate
for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab.

.....

SANJIV BERRY, J.

The instant petition under Section 438 Cr.P.C has been preferred by the petitioner seeking anticipatory bail in the event of arrest in FIR (Annexure P-1) as under:-

FIR No.	Dated	Sections	Police Station
41	30.06.2023	420, 409 IPC	Mehal Kalan, District Barnala

2. Briefly stated the case of the prosecution is that complainants, Karnail Singh and others are the members of ‘The Mehal Khurd Multi-Purpose Co-operative Agricultural Society, Mehal Khurd’ and the petitioner is the Secretary of the Society. The complainant and others have took loan from the Society for purchase of fertilizers etc. and repaid the same along with interest through Secretary (petitioner) and salesman of the Society after the sale of the crops against proper receipts. Complainant came to know that

the Secretary and salesman of the Society did not deposit the amount in their bank accounts and the bank closed their accounts after default. On complaint, inquiry was conducted and office of Assistant Registrar Co-operative Societies, Barnala reported that there was an embezzlement of ₹79,99,621.3 /- and on complaint the present FIR was registered against the Secretary -Rupinder Singh, the present petitioner.

3. It has been contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that infact the petitioner had a dispute regarding his non payment of his salary amounting to Rs. 12 lacs and since he was demanding the same from the department, he has been falsely implicated in this case. He submits that the amount for which he had issued receipts had been duly deposited in the accounts and exaggerated figure has been shown in the FIR of which the petitioner has no concern. In these circumstances he has prayed for grant of anticipatory bail to the petitioner.

4. Learned State counsel has placed on record the reply dated 24.08.2023 by way of affidavit filed by Deputy Superintendent of Police, Sub Division Mehal Kalan, District Barnala. The same has been taken on record. Copy thereof has been supplied to the learned counsel for the petitioner.

5. Learned State counsel has vehemently argued that the present case has been registered after a thorough inquiry in which its surfaced that the petitioner had embezzled an amount to the tune of around ₹ 80 lacs , on the basis of audit report and during the course of investigation the offences under Section 467, 468, 471 IPC have also been added in the FIR. He

submitted that the custodial interrogation of petitioner is required to unearth the *modus operandi* adopted by the petitioner to have embezzled such a huge amount belonging to the Society and as such prayed for dismissal of the bail application.

6. Considering the rival contentions and perusing the record it transpires that the petitioner had been working as Secretary to the aforementioned Cooperative Society wherein during course of inquiry on the Complaint made by the members of the Society and on the basis of the audit report, it surfaced that there has been large scale embezzlement of funds of the Society and it came out that the petitioner had embezzled amount to the tune of around ₹ 80 lacs. A specific role has been attributed to the petitioner being the Secretary of the Society and being instrumental in the crime. Therefore, considering huge amount of embezzlement in the Society, the custodial interrogation of the petitioner is required to unearth the *modus operandi* adopted to commit such a huge embezzlement in the funds of the Society.

7. Therefore, considering the nature and gravity of offence, finding no case being made out in favour of petitioner for grant of anticipatory bail, the petition is hereby dismissed.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)

JUDGE

24.08.2023

Gyan

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No