

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47122-2021 (O&M)
Date of Decision:-18.01.2023

BALBIR SINGH

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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

Mr. Chaman Lal Pawar, Addl. A.G. Punjab.

Mr. Ishan Gupta, Advocate with
Ms. Deepali, Advocate and
Mr. Gagandeep Singh, Advocate for
for the complainant .

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KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail in case having FIR
No.161 dated 4.9.2021 registered under Sections 409 IPC at Police Station
Machiwara, Khanna District Ludhiana.

The counsel for petitioner contends that the petitioner who
retired as Secretary from Agricultural Cooperate Society of Jodhwal is
falsely implicated in the present case and that the Department has already

passed Award against the petitioner under Cooperative Societies Act. The counsel for the petitioner further submits that the Department has withheld the gratuity of the petitioner amounting to ₹6 lacs and even the land of the petitioner is also attached by the Department while initiating proceedings against him under Punjab Cooperative Societies Act. The counsel for the petitioner further submits that inspection note (Annexure P-1) given by Assistant Registrar of Cooperative Societies is a genuine document which the petitioner obtained from the Department itself under the RTI Act. The counsel for the petitioner further submits that the petitioner who is aged about 65 years has already joined investigation with the police.

State counsel on instructions from ASI Parmod Kumar has admitted that the petitioner joined the investigation with the police and further submits that the petitioner is not required by police for further investigation or for custodial interrogation and the police is going to present challan against the present petitioner and other accused person in the near future.

The present petition is resisted by the counsel for the complainant, who submits that the petitioner embezzled huge amount belonging to the aforesaid Cooperative Society where he remained working as Secretary till 31.1.2017. The counsel for the complainant further submits that even during the pendency of the present petition the petitioner produced one fake document (Annexure P-1) in order to prove his innocence and actually no such inspection note was prepared by any Officer of the Department. However the counsel for the complainant has not disputed the fact that gratuity worth ₹6 lacs of the petitioner has been withheld by the

Department till further orders and even Award has also been passed against the petitioner with regard to amount in question but the said Award is yet to be executed

In view of the fact the petitioner is a senior citizen and his gratuity has been withheld by the Department and he has joined investigation with the police, no purpose is going to served by subjecting the petitioner to custodial interrogation. Thus without commenting on the merits of the case, the present petition is hereby allowed and order dated 16.9.2022 is hereby made absolute. The petitioner should abide by the conditions envisaged under Section 438(2) Cr.P.C. However, the complainant Department is at liberty to proceed against the petitioner with regard to Annexure P-1 in accordance with law.

(KARAMJIT SINGH)
JUDGE

18.01.2023
Gaurav Sorot

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