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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM M 41397-2023
Date of Decision 22.08.2023*Harvinder Singh**.....Petitioner**versus**State of Punjab**...Respondent***Coram Hon'ble Mr. Justice Rajbir Sehrawat**

Present: Mr. Pardhuman Garg, Advocate for the petitioner

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Rajbir Sehrawat, J, (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure, praying for grant of anticipatory bail to the petitioner in case FIR No. 67 dated 25.07.2023, registered under Section 409 of the Indian Penal Code, at Police Station Chabbewal, District Hoshiarpur (Annexure P-1).

It is submitted by counsel for the petitioner that the case against the petitioner is totally false and concocted. The petitioner is not involved in the crime as alleged against him. As per the story of the prosecution, the petitioner is alleged to have embezzled a sum of Rs.46,90,174.24. There is no material to show that the petitioner has ever committed the said embezzlement with the society. Moreover, the petitioner had already relinquished the charge of the Society to one Inderjit Singh on 14.12.2019. Thereafter, the said person was also looking after the affairs of the Society as a Secretary. Earlier also, a complaint was made against the petitioner.

However, the police had found the petitioner to be innocent. This is a second attempt to get the petitioner falsely implicate by making him scapegoat in the case. The petitioner shall join the investigation as and when called by the police. Hence, the petitioner deserves to be protected against his arrest.

Notice of motion.

Mr. Sandeep Singh, Additional Advocate General, Punjab accepts notice on behalf of the respondent State. Mr. Mitul Singh Rana, Advocate appears and filed his *vakalatnama* in Court on behalf of the President of the Lehli Kalan Multipurpose Co-op Agricultural Society Limited.

Counsel for the State, being instructed by ASI Rajwinder Singh and being assisted by counsel for the President of the Lehli Kalan Multipurpose Co-op Agricultural Society Limited has submitted that the petitioner was working as a Secretary of the Patti Agricultural Cooperative Society Limited. The petitioner was also having an additional charge of the Lehli Kalan Multipurpose Co-op Agricultural Society Limited, which is involved in the present case. While the petitioner was working as a Secretary of the society, he embezzled more than Rs.46,00,000/-. Besides this, another amount of Rs.18,57,997.00 was also embezzled by the petitioner by transferring the same to the account of his own wife. The modus operandi of the petitioner was to get money from the members on behalf of the society; but by showing the same to be deposited against the members who had expired and by closing their accounts, transferred the amount in the account of his wife, namely, Rupinder Kaur. Besides this, the petitioner was also not depositing the money received in lieu of the articles sold by the Society.

Therefore, the petitioner is directly involved in the embezzlement of the money belonging to the poor farmers and labourers; who are members of the Society. The police need to unearth the true dimensions of the crime committed by the petitioner. Therefore, the custodial interrogation of the petitioner is very much required in the present case. The petitioner does not deserve any concession of anticipatory bail.

In view of the facts and circumstances available on the file, as well as, the submissions made by counsel for the State, this Court does not find it appropriate to interfere, at this stage, so as to grant concession of bail to the petitioner.

Dismissed.

(Rajbir Sehrawat)
Judge

August 22, 2023
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No