

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-47936-2022
DECIDED ON: 16.02.2023**

MAKHAN SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Rana Harjasdeep Singh, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail in FIR No.9, dated 15.01.2020, under Sections 406 and 409 of the IPC, 1860, registered at Police Station Mahilpur, District Hoshiarpur.

The contention of the learned counsel for the petitioner is that the alleged embezzled amount of Rs.32,70,503/- belonging to the Pakhowal Beehra Co-operative Agriculture Service Society has already been deposited but the petitioner was declared proclaimed offender on 21.12.2020 who was in fact arrested in some other case bearing FIR No.60 dated 18.05.2021 registered at Police station Garhshankar, District Hoshiarpur and is in custody in that case since 06.04.2022.

On the last date of hearing i.e., 21.10.2022, learned State counsel sought time to file status report particularly on the aspect that whether the

petitioner had deposited the amount of Rs.35,86,602/- (including interest) in the bank account of the society.

Status report by way of an affidavit dated 09.01.2023 of Daljit Singh, PPS, Deputy Superintendent of Police, Sub-Division Garhshankar, District Hoshiarpur has been filed on behalf of respondent-State and the same is taken on record.

Learned State counsel has drawn attention of this Court to Paras 9 and 10 of the said status report:

Paras 9 & 10 are read as under:

“9. That it is submitted that the Police of P.S. Mahilpur, District Hoshiarpur verified that the petitioner has deposited embezzled amount of Rs.35,86,602/- alongwith interest in Cooperative Society bank of Village Pakhowal, Tehsil Garhshankar, District Hoshiarpur.

10. That it is submitted that specific and serious allegations against the petitioner in the present case. The petitioner evaded his arrest in the present case and was declared P.O. and thereafter he was arrested in the present case on 06.04.2022. The petitioner being official embezzled amount of Rs.32,70,503/- belonging to the Pakhowal Bechra, Cooperative Agriculture Service Society Ltd. Pakhowal Bechra, District Hoshiarpur. Therefore, the present petition is liable to be dismissed.”

A perusal of the aforesaid declaration/submission on affidavit shows that the petitioner has deposited the embezzled amount of Rs.35,86,602/- alongwith interest in Cooperative Society Bank of Village Pakhowal, Tehsil Garhshankar, District Hoshiarpur, therefore, nothing is left to be recovered and no purpose would be served by keeping the petitioner

behind the bars wherein trial is likely to take some time as the challan stands presented and charges are yet to be framed.

In light of the above, the petitioner is directed to be released on regular bail on his furnishing personal and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

The present petition is, hereby, allowed.

16.02.2023

Meenu

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>