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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 52017 of 2023
Date of decision:- 08.11.2023

VIKAS

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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

Present:- Mr. Sachin Kaushik, Advocate for the petitioner.

Mr. Vishal Malik, DAG Haryana.

.....

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in the following case:-

FIR No.	Dated	Sections	Police Station
18	12.01.2023	409 and 420 IPC	Barauda, District Sonipat

2. In nutshell the case putforth by the prosecution is that a complaint was lodged by the Superintendent Post Office, Sonipat Division, Sonipat-131001 stating that the petitioner had misappropriated government fund amounting to Rs.60,000/- while transacting in account bearing No. 4397167414 of Sukanya Saamridhi Yojana when he was posted as Branch Postmaster, Chhihrana from 06.12.2016 to 06.06.2022 and hence, FIR was

registered.

3. It is *inter alia* contended by the learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. He further submits that petitioner has been working as Branch Postmaster and had accepted the amount of Rs.60,000/- for depositing the same in the account of Sukanya Samridhi Yojana but due to carelessness on his part and also due to inadvertence, the same could not be deposited in the account. However, on notice of the above said mistake, the petitioner had deposited the amount along with interest on 07.06.2022 (Annexure P-1) much prior to the filing of the present complaint. He further submits that petitioner is ready and willing to join the investigation and prays for concession of bail to the petitioner.

4. Learned counsel for the State filed the reply dated 27.10.2023 submitted by Assistant Commissioner of Police Gohana-1, the same is taken on record. He contends that the petitioner has misappropriated the amount and not deposited the same in time, there he is not entitled to concession of bail.

5. After considering the submissions made by learned counsel for the parties and perusing the record, it transpires that the allegations qua the petitioner are that while working as Branch Post Master he has collected amount of Rs. 60,000/- for depositing in Sukanya Samradhi Yojana but failed to do so within the stipulated period. However, during course of submissions, it is pointed out that the said amount has already been deposited vide Annexue P-1, although not within stipulated period and this fact is not controverted by the learned counsel for the State.

6. Resultantly, without commenting on the merits of the case, the present petition is, hereby, allowed and the petitioner is directed to join the investigation within seven days from today and in the event of arrest of the petitioner, the petitioner is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.
7. The petition stands allowed.
8. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)

JUDGE

08.11.2023

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