IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-2877-2024
Reserved on: 22.02.2024
Pronounced on: 26.02.2024
2024:PHHC: 026336

SUKHJINDER PAL SINGH

. . . . PETITIONER

Vs.

STATE OF PUNJAB

. . . . RESPONDENT

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CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

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Present: - Mr. Kumar Vishav Aggarwal, Advocate,
for the petitioner.

Mr. Amandeep Singh, DAG, Punjab.

Mr. Gurcharan Dass, Advocate, for the complainant.

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DEEPAK GUPTA, J.

By way of this petition filed under Section 438 CrPC, petitioner prays for grant of anticipatory bail in case FIR No. 62 dated 01.09.2023 (Annexure P6) under Section 408 IPC registered at Police Station Singh Bhagwantpur Tehsil & District Rupnagar.

2. Status report dated 13.02.2024 filed by way of affidavit of Rupinder Deep Kaur Sohi, PPS, Deputy Superintendent of Police, Rupnagar, District Rupnagar, Punjab on behalf of the respondent-State, has been received.

3.1 It is revealed that a complaint dated 31.07.2023 was moved by Assistant Registrar, Cooperative Society, Sri Chamkaur Sahib, District Rupnagar to the Senior Superintendent of Police, Rupnagar alleging therein that as per audit report dated 12.12.2022 of the Inspector Cooperative Societies, Raulu Majra for the FY 2021-22, petitioner had committed embezzlement of ₹30,68,333.60, while he was working as Secretary of Dulchi

Majra Multipurpose Cooperative Society Limited. It was also mentioned in the complaint that earlier also, an FIR No.84 dated 06.11.2022 was lodged against the petitioner regarding embezzlement and criminal breach of trust pertaining to ₹72,09,200.94 Request was accordingly made to SHO, Police Station Bhagwantpur to register the FIR and investigate the matter.

3.2 During preliminary investigation, it was found from the Special Report of Audit for the FY 2021-22, conducted by the audit team of the society that petitioner had embezzled an amount of ₹25,81817.60 and also committed serious violations of norms resulting in loss of ₹4,86,516/- to the society and in this way, petitioner has siphoned of ₹30,68,333.60 of the society. It was further found that petitioner had shown payment of bogus loan of ₹41,560/- to Saudagar Singh on 14.12.2011 in the books; had adjusted the account by showing less cash in hand and sundry account and had also shown bogus loan of ₹3,87,380/- to the members of the society. Petitioner was found to have embezzled ₹12,06,641/- from fertilizer, ₹3,93,045.60 from essentials commodities and ₹26,400/- from seeds totaling ₹19,02,160.60. It was concluded in the inquiry that petitioner had withdrawn the amount from saving bank accounts of the members of the Society, collected amounts as loan repayments or interest from the members of the society but did not enter the same in the books and bank account of the society and thus, committed embezzlement of ₹30,68,333.60 of the society.

3.3 FIR was accordingly registered based upon the inquiry report. Investigation was carried out. Statements of witnesses were recorded. Relevant record was collected.

4.1 Seeking anticipatory bail, it is contended by the petitioner that being Secretary of the Dulchi Majra Multipurpose Cooperative Agriculture

Services Society, he was controller of fertilizers, medicines and distributor of loans to the society members, subject to consent of the committee members and president of the society. It is further contended that during Corona period from 2019-2020 to 2021-2022, petitioner distributed fertilizers, medicines and seeds amongst the society members on the asking and with the consent of the President & the committee members. Some payments have been deposited by the society members, but some are still pending. In the year 2021 audit department of society conducted special audit for Financial Year 2019-2020 and 2020-2021 and alleged misappropriation of ₹72,09,200.94 and transferred the entire burden upon the petitioner.

4.2 Petitioner contends that out of the total amount, goods worth ₹15-20 lakh have been used by the President Nirmal Singh. Petitioner also referred to receipts for ₹55 lakh bearing No.320 to 328 dated 29.02.2020 (Annexure P3), to contend the deposit of the amount of ₹55 lakh but all these factors were ignored in the inquiry. Still further, it is contended that petitioner was suspended in January 2021 and his salary of the suspension period was not released. Later on, that salary was adjusted in the embezzled amount. Society had also attached 2 Bigha 15 Biswas of land situated in village Solkhian Tehsil Ropar, District Rupnagar in the name of his mother. Petitioner submits that out of total amount of ₹72,09,200.94, amount of ₹55 lakh has already been recovered from the society members; ₹5,87,291/- has been adjusted from his salary and the land worth ₹25-30 lakh has already been attached by the society and that present FIR is an attempt to save the skin of the President and other officials.

4.3 Petitioner has submitted that FIR No.84 dated 06.11.2022 has been registered for embezzlement of ₹72,09,200.94 and petition for anticipatory bail in the said FIR, bearing number CRM-M-56945-2022 has already been filed.

4.4 Petitioner contends that as per the instructions given by SDM Chamkaur Sahib in FIR No.84 dated 06.11.2022, petitioner had given charge to Yadvinder Singh and during taking over the charge Yadvinder Singh checked the stock of the society and found some stock is less of ₹11,75,915/- medicines, ₹3,23,364/- important goods, ₹2,68,304/-, seeds ₹23,500/-, besides depositing the markfed amount has embezzled an amount of ₹27,89,550/-. On that basis present FIR has been registered for the same period as of earlier one i.e. FIR No.84 dated 06.11.2022. It is further submitted that present FIR is an abuse of process of law in order to protect the skin of higher official of the society and cooperative society.

4.5 Petitioner further submitted that he is ready to join the investigation and prayed for grant of anticipatory bail.

5.1 As per the status report filed by the respondent-State, custodial interrogation is required inasmuch as he did not disclose as to where the embezzled amount has been invested and has also not got recovered or deposited any amount in the account of the Cooperative Society out the same.

5.2 Ld. counsel for the complainant has also strongly opposed the petition. Though, it is admitted that during the FY 2019-2020 and 2021-2022, petitioner distributed fertilizers, medicines and seeds to the society members, but it is denied that the same were distributed on the asking or with the consent of the President and the committee members. It is further denied that payment of any such goods was deposited by the society members or the same was still pending.

6. Having considered submissions of both the sides, this Court

does not find the present case to be fit for grant of anticipatory bail. It has further been clarified in the status report filed by the police that petitioner committed embezzlement of several lakh of rupees during FY 2018-2019 and 2019-2020 also and one more FIR No.84 dated 06.11.2022 has also been registered against the petitioner for embezzlement of amount of ₹72,09,200.94.

7. Looking into all the circumstances of the case and also considering the fact that custodial interrogation of the petitioner may be required so as to get effected the recovery of embezzled amount or as to know where the embezzled amount has been invested by the petitioner, this Court does not find the present case to be fit for grant of anticipatory bail.

Dismissed.

(DEEPAK GUPTA)
26.02.2024 **JUDGE**
Vivek

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