



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M-11157-2024 (O&M)
Date of Decision:- 02.05.2024

KULVIR SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Mikhail Kad, Advocate for the petitioner.

Mr. Japjot Singh, AAG Punjab.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
04	17.01.2024	409 IPC	Sadar Dhuri, District Sangrur

2. In compliance to the order dated 26.04.2024, Sh.Talwinder Singh Gill, Deputy Superintendent of Police, Sub Division Dhuri is present in Court.
3. Arguments heard.
4. It is *inter alia* contended by learned counsel for the petitioner



that the petitioner is innocent and has been falsely implicated in the case. He contends that in fact the cheques were signed by the then Sub Divisional Magistrate and the petitioner has been wrongly roped in by claiming that he had withdrawn the alleged amount. He submits that the petitioner is ready to join investigation and has prayed for grant of anticipatory bail to the petitioner.

5. *Per contra*, learned State counsel while referring to the reply submitted by State and on instructions from Deputy Superintendent of Police, Sub-Division Dhuri has opposed the petition. He submits that although the cheques were signed by the then Sub-Divisional Magistrate, but the same were handed over to the petitioner being working as a Bill Clerk in good faith for withdrawal of the amount, but the petitioner misappropriated the amount and also misappropriated some amount of cash received by him in his official capacity instead of depositing the same in the treasury. Hence, the custodial interrogation of the petitioner is required and prayed for dismissal of the bail petition.

6. After considering the rival contentions and perusing the record, it transpires that the instant case was registered against the petitioner on the basis of inquiry that while working as a Bill Clerk in the office of Sub-Divisional Magistrate, Dhuri, he had misappropriated certain amounts withdrawn from the bank and also misappropriated some amount received by him in cash in his official capacity, instead of depositing the same in the treasury. A detailed status report dated 19.04.2024 has been filed by the State, wherein all the transactions whereby the petitioner had withdrawn the



amounts, although under the signatures of the then Sub-Divisional Magistrate on the concerned cheques, has been mentioned and even there are certain amounts which the petitioner had received in cash but was not deposited in the treasury and thus misappropriated the same.

7. Therefore, considering the nature and gravity of offence, it is observed that no case is made out in favour of the petitioner for grant of anticipatory bail, as a consequence, the petition is hereby dismissed.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

02.05.2024

S.Sharma(syr)

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