



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M -23400-2024

Date of Decision : May 27, 2024

ROOP SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Lakshay Bector, Advocate for the petitioner.
Mr. Akshay Kumar, AAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. On the last date of hearing, i.e. 10.5.2024, the following order was passed:-

“1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks the concession of anticipatory bail, in case FIR No.66 dated 01.04.2024, under Sections 409, 420 and 120-B of the IPC, registered at P.S. Sadar Khanna, District Ludhiana.

2. Succinctly stated, the allegations surging forth from the present FIR are that, one Charanjit Singh made a complaint against the petitioner, alleging therein misuse of office by the latter, being Sarpanch of the Gram Panchayat, Raipur Rajputan. To be precise, the complaint embodied allegations regarding illegal payments/embezzlement of Rs.75,339/- by the petitioner in connivance with his wife Rajwinder Kaur.

3. The learned counsel for the petitioner, in his asking for the relief (supra), submits that the petitioner is quite innocent and he has been made a scapegoat owing to political rivalry in the village. He further submits that, even if the allegations are taken to be a



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gospel truth, yet the custodial interrogation of the petitioner is not required, as the case is based upon documentary evidence. Lastly, he submits that the petitioner is ready to join the investigation and to cooperate with the investigating officer.

4. *Notice of motion for 27.05.2024.*

5. *Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondent No.1-State of Punjab.*

6. *In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”*

2. Today, the learned State counsel on instructions imparted to him by ASI Baljit, submits that though the petitioner has joined the investigation but the embezzled amount is yet to be recovered.

3. The submission of the learned State counsel cannot be accepted as these proceedings cannot be converted into recovery proceedings.

3. Since the petitioner has already joined the investigation, therefore, the present petition is **allowed** and order dated 10.5.2024 is, hereby, made absolute subject to the condition that the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

(KULDEEP TIWARI)
JUDGE

May 27, 2024
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No