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

CRM-M-28556-2024**DATE OF DECISION: 30.05.2024****HARPREET SINGH ALIAS KAMAL ...PETITIONER****Versus****STATE OF PUNJAB****... RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. N.K. Jandoli, Advocate or the petitioner(s).
 Mr. J.S. Rattu, DAG, Punjab.

*********SANDEEP MOUDGIL, J (ORAL)**

1. The jurisdiction of this Court has been invoked under Section 438 of Cr.P.C., for grant of anticipatory bail in case FIR No.32 dated 09.04.2024 registered under Sections 420/409 IPC at Police Station Payal, District Khanna.

2. Learned counsel for the petitioner submits that the FIR was got registered against the petitioner on the basis of complaint dated 06.07.2023. The allegations against the petitioner are that during his tenure as Secretary in AlunaTola Milk Producers Cooperative Society Ltd., committed embezzlement of Rs. 10,02,917.40/-. The FIR was registered after two years. An amount of Rs.4,37,411.69/- has already been paid by the petitioner.

3. Notice of motion.

4. On the asking of Court, learned State Counsel appearing on advance notice, accepts notice on behalf of respondent-State and on



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instructions from ASI Sohan Singh opposes the prayer for grant of bail. He submits that delay has been well explained by the complainant and he further asserts that repayment of Rs.4,37,411.69/- by the petitioner tantamount to admission of embezzlement and on that account does not deserves the concession of bail.

5. It is the Co-operative society who has advanced the loan and the complainant is the Assistant Registrar of Cooperative Society under whose tenure the incident has taken place two years back which has not been noticed by the concerned officials and on that account it cannot be believed that without any connivance, the petitioner has committed the embezzled such a huge amount.

6. Since the petitioner has returned almost half of the embezzled amount so far, his custodial interrogation can be ignored at this stage who has shown his willingness to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

7. Hence, in view of the admitted set of circumstances before this Court, the petitioner is directed to be released on anticipatory bail subject to his joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C.



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8. However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.

9. The petition in the aforesaid terms stands disposed off.

(SANDEEP MOUDGIL)
JUDGE

30.05.2024
anuradha

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