



105 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-31959-2024
Date of decision: 8th July, 2024

Bhagwinder Singh
...Petitioner(s)
Versus
State of Punjab
...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Amandeep Saini, Advocate for the petitioner.
Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 438 of Cr.P.C.
seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
95	14.12.2023	Pojewal, District SBS Nagar	408 and 420 of IPC, 1860

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of a written complaint submitted by the Assistant Registrar, Co-operative Society Balachaur alleging therein that on 23.08.2023, physical audit of fertilizers and medicines of the Dayala Multipurpose Co-operative Society Ltd. Balachaur was conducted by him and it was found that there was discrepancy in the value of the stock which was shown in the computer of the society and the stock physically available and difference was of an



amount of Rs. 8,92,981.56/-. It was alleged that the petitioner who was Secretary of the society and was under suspension had mis-appropriated the aforementioned amount. Enquiry was also conducted before registration of FIR and it was found that another amount of Rs. 3,03,208.35/- belonging to Chandian Khurd Co-operative Society had also been mis-appropriated by the present petitioner and he had even admitted to have spent the said amount for his personal use. After registration of FIR, investigation is under way. The petitioner had moved an application for grant of pre-arrest bail before learned trial Court which was dismissed vide order dated 29.05.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. He admits that there is shortage in the amount as shown in the record from the value of the goods as available in the stock but has assured to make the said shortage by making payment in installments which has not been accepted by the department. He is ready to join the investigation and co-operate with the Investigating Agency. His custodial interrogation is not required. Therefore, it is argued that the petitioner deserves to be extended benefit of pre-arrest bail.

4. *Per contra*, learned State counsel who has advance notice of the petition has submitted that there are specific and serious allegations against the petitioner. After noticing shortage of stock of fertilizers and medicines in the stock of the Dayala Co-operative Society and the value of the stock as shown in the computer, inquiry had been conducted and it was found that the petitioner had criminally misappropriated an amount of Rs. 8,92,981.56/-



and had converted the same to his own use. He is also shown to have criminally misappropriated another amount of Rs. 3,03,208.35/- belonging to Chandiana Khurd Co-operative Society. His custodial interrogation is required for conducting thorough investigation in the matter. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have criminally misappropriated an amount of more than Rs. 12,00,000/- and converted the same to his own use. The proposal made by him to make good the said the discrepancy as found in the record and the stock does not exonerate him of the allegations as levelled against him. The allegations against him are serious in nature as being entrusted with the stock of the above mentioned societies, he is shown to have committed breach of trust and is alleged to have misappropriated a big amount of money. It is well settled that custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 438 of Cr.P.C. Many useful information can be disinterred during custodial interrogation. It is also a matter of discretion to grant or not to grant pre-arrest bail. Keeping in view the nature of the subject offences and no extraordinary circumstance is shown to have been made out in this case, I am of the considered opinion that custodial interrogation of the petitioner is required for conducting thorough investigation in the matter by the police.



Accordingly, no ground for extending benefit of pre-arrest bail is made out.
Hence, the petition stands dismissed.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

8th July, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |