

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33354-2024
Reserved on: 06.08.2024
Pronounced on: 30.08.2024

Bharat Ram ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Prateek Sodhi, Advocate
for the petitioner.

Mr. Rajat Gautam, Addl. AG, Haryana.

Mr. Sunil Chaudhary, Advocate (Through VC)
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
601	30.11.2023	Bhiwani City, District Bhiwani	420, 409, 469, 467, 471, 120B IPC (Sections 7A, 13(1) of PC Act and 201 IPC added later on)

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 CrPC, 1973, seeking anticipatory bail.
2. In paragraph 10 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply dated 27.07.2024, filed by the State, which reads as follows:-

“3. That after registration of FIR, the investigation was set into motion and during investigation, record of account of complainant was obtained and as per record It was found that the signatures on the disputed documents pertaining to complainant were mismatched. The CFSL report of account no. 010005241270 of complainant from which a sum of Rs. 14,99,946 was transferred was obtained taken into police record. Transactions details of all three accounts were obtained details of post office officials who authorised suspicious transactions of complainant accounts were obtained during investigation it was found that post office officials hatched conspiracy with agents for undue advantages and accordingly sections 7A, 13(1) PC Act were added.

4. That during investigation, the Suprintendent of Police Bhiwani

constituted an SIT added by the deponent vide letter dated 13.02.2024 during investigation account details of accused Leela Krishan Mehta and his family members were obtained. During investigation copies of complaints post office were obtained from Economic Offences Wing and copy of 43 cases pertaining to post office were obtained from District Consumer Disputes Redressal forum were obtained during investigation another victim Vijay Pal was joined in investigation.

5. That during investigation on 17.04.2024 sanction under Section 17A of PC Act was received regarding accused Roshan Lal and Bharat Ram. That during investigation, accused Roshan Lal was arrested in this case on 22.06.2024 after finding cogent evidence against him and in accordance with law. Accused Roshan Lal suffered his disclosure statement admitting his guilt of commission of offence. That during investigation, upon demarcation of accused Roshan Lal, accused Jogender @ Joni was arrested on 23.06.2024. Amount of Rs. 51,700 has to be recovered from accused Roshan Lal and whereabouts of accused Veer Singh was to be discovered but his further police remand was declined by the Ld. Illaka Magistrate. Section 201IPC was added. Accused Jogender @ Joni who is the son of the agent Leela Krishan Mehta (since deceased) and accused Usha Rani, suffered his disclosure statement. wherein he stated that my father was working as post office agent and his mother Usha Rani and his wife Tripta was also post office agent. Post office officials usually used to visit his house and his mother and brother also used to visit the house of post office officials in connection with commission. My father used to keep blank pass books and stamp of post office. With the help of post office officials and by using these pass books and stamps my father misappropriated more than Rs. 3.5 crore and in all these deeds officers of the post office helped by my father. He further stated that his father and his family members invested this money in property and other sectors. My mother Usha Devi and brother Shubham can tell about the embezzled amount as my brother Shubham has invested the money in property. He also named the present petitioner as sharer in all these misdeeds."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

"7. That during investigation account details of accused Shubham was obtained and it has come that the accused Shubham has deposited more than Rs. 10 lakhs in cash in his account between the period of 2020-2021 and which was the relevant time when the money of present complainant was embezzled. During investigation another victim Vijay Pal produced a copy of writing, written by Shubham wherein he admits that he has to pay a sum of Rs. 65 lakhs to Vijay Pal which was embezzled through post office and he will pay Rs. 17 lakhs till 3rd date and in lieu of that amount he is giving his car no. HR16W5264. The copy of the writing was taken

into police possession vide separate memo. It is pertinent to mention here that accused Usha Rani also appended her signatures on this writing.

8. That the present petitioner was an employee of post office at the relevant time. During investigation it was found that the account opening form of present complainant was missing from the record and the signatures and other details of complainant were also not uploaded in the Finacle Banking Software. That the present petitioner approved a transaction of Rs. 32,250 and this money was withdrawn from the account of the present complainant and the present petitioner approved this transaction without verifying the original signatures of the complainant and handed over the same amount to another person than the complainant or he had kept the same with him. This amount was withdrawn from the saving account no. 3761491506 of complainant on 31.03.2020 maintained at Head post office, Bhiwani. That during investigation, post office officials handed over the data to the investigating officer and according to which this transaction of Rs. 32,250/- was done by the present petitioner.

Thus, the present petitioner is a part of chain which misappropriated huge amount in crores including Rs. 22 Lakhs of present petitioner in collusion with other post office officials and agents and private persons. A deep probe is required in this matter. The specimen signatures of the present petitioner are also required which are to be matched with the signatures appended on the withdrawal forms of the complainant. Pass books and stamps which were used in the commission of offence and the amount embezzled are also to be recovered from the present petitioner. Investigation in this case is initial stage.”

7. The allegations are severe, but custodial or pretrial custody is not required, and the amount involved can always be recovered.

8. The Police did not arrest the petitioner; if they intended to arrest the petitioner, it was not impossible. A perusal of the reply does not point out the steps taken to arrest the accused.

9. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilqa

Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

12. This order is subject to the petitioner’s complying with the following terms.

13. The petitioner is directed to join the investigation as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

14. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

15. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

16. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

17. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

30.08.2024

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Whether speaking/reasoned: Yes

Whether reportable: No.