



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-34908-2023(O&M)
Date of Decision: 30.09.2024

BHIM SINGH

....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. R.K.Malik, Advocate for the petitioner.

MR. Akshay Kumar, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition has been made for grant of anticipatory bail in case arising out of FIR No.75 dated 20.06.2023 registered under Sections 406 and 420 of IPC at Police Station Sadar Patiala, District Patiala filed by Mastan Singh, President of Escorts Goetze Employees Union Bahadurgarh, Patiala (for short 'EGEU') and other office bearers namely Gurbaj Singh and Gurnam Singh respectively alleging therein that the petitioner Bhim Singh remained posted as Cashier of EGEU from the year, 2017 to 2020. On 26.12.2020, the complainant and others had won the election of the Union. Thereafter, they asked the petitioner to hand over the charge of record of the Union to them but he bluntly refused to do so. A complaint was filed in which inquiry was ordered to be conducted but the petitioner started extending threats to the complainant and others and also lodged false complaint through his wife against the complainant and other office bearers. He also forged signatures of Former President and General



Secretary of the Union on this complaint. As such, prayer was made for taking action in the matter. On conducting inquiry by the police, it was revealed that the petitioner was keeping funds to the tune of Rs.1,68,94,510/- belonging to the Union and misused the amount thereby committing criminal breach of trust with the aim of cheating also and had caused wrongful loss to the Union. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner had moved an application for grant of pre arrest bail which was dismissed by the Court of learned Additional Sessions Judge, Patiala vide order dated 05.07.2023.

2. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He did not commit any offence. In fact, the Union had failed to audit the record of the Union and to submit audit report. Election was got conducted on the basis of wrong orders and the complainant and others, had won the same by fraudulent means. They have lodged this complaint in connivance with political persons. The complainant Mastan Singh was office bearer of the Union when the petitioner remained cashier of the same. He had handed over the charge along with the record to the newly elected body. In fact, the office bearers of the Union had collected funds from the members of the Union and had been misusing the same from the last more than 10 years. The petitioner had never derived any financial benefit from the funds of the Union. His custodial interrogation is not required. No recovery is to be effected from him. Therefore, it is urged that the petition deserves to be allowed.

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3. Status report has been filed by the respondent-State. It was submitted therein and it has been argued by learned State counsel that there are serious allegations against the petitioner. His custodial interrogation is required for thorough investigation in the matter. Huge amount of money was usurped by the petitioner in connivance with co-accused. In fact, the petitioner was the person who was having signed cheques of the office bearers and misutilized the same. Huge amount of money i.e. Rs.1.68 crores had been embezzled by him, by misusing his office. He did not rejoin the investigation in compliance of order dated 08.07.2024. Therefore, it is urged that the petition does not deserve to be allowed.

4. The petitioner was directed to join the investigation vide order dated 23.04.2024. He joined the same. Then vide order dated 08.07.2024, direction was given to the petitioner to join the investigation again with the police on 29.07.2024 in view of submission made by the State counsel that he was not cooperating with the police. The petitioner has not joined the investigation in compliance of order dated 08.07.2024 till date. The allegations against him are even otherwise grave in nature as huge amount of money belonging to members of the Union has been embezzled with the alleged connivance of the petitioner and other office bearers. For conducting thorough investigation in the matter, the custodial interrogation of the petitioner is must. The case is at its nascent stage. The nature of the allegations and severity of the punishment are to be considered at the time of grant of pre arrest bail. Keeping in view the nature of the allegations as made against the petitioner and in view of the fact that he has not opted to join the



investigation in compliance of order dated 08.07.2024 but without meaning to make any comment on the merits of the case, it is observed that the petition does not deserve to be allowed. Hence, the same is dismissed.

4. Pending application, if any, also stands disposed of.

30.09.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

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