

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.34172 of 2024
Reserved on: 13.08.2024
Pronounced on: 30.08.2024

Satpal ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Hemen Aggarwal, Advocate
for the petitioner.

Mr. Rajat Gautam, Addl. A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
549	27.06.2023	Camp Palwal, District Palwal	409, 420, 456, 468, 120-B IPC and Section 13(1) of Prevention of Corruption Act.

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In the bail application, the petitioner is silent about criminal antecedents.
3. Facts of the case are being taken from reply dated 08.08.2024 which reads as under:

“That brief of the present case are that FIR no.549 dated 27.6.2023, P.S. Camp, Palwal was *originally registered under sections 409, 420, 467, 468, 471 of IPC and section 13(1) of PC Act against HC Janak Raj and EHC Omvir upon enquiry report prepared by the DSP Traffic, Palwal with regard to embezzlement of a total amount of Rs. 3,22,97,150/- (Rs. Three crore twenty two lac ninety seven thousand one hundred and fifty) by HC Janak Raj and Rs. 12700/- by EHC Omvir out of collection of traffic challans. During enquiry, it was found that HC Janak Raj was posted with Challan Branch and he did not deposit a total amount of Rs. 3,22,97,150/- which was collected through traffic challans over a period from Jan 2020 to March 2023 and likewise EHC Omvir also did not deposit an amount of Rs. 12700/- in Govt. Account during his posting with challan Branch, Palwal. The FIR is already on record, therefore for sake of*

brevity and to avoid repetition, the same is not being reproduced here.”

4. The petitioner's counsel argued that total amount of Rs. 3,22,97,150/- was misappropriated by Head Constable Janak Raj, who was posted in the challan department at the relevant time. Not only this Head Constable Ombir was also posted and he also misappropriated an amount of Rs.12,700/-. As such, both Head Constable Janak Raj and Head Constable Ombir misappropriated the said amounts and on the directions of S.P. Palwal, the FIR was lodged against them on 27.06.2023. However, as per the allegation of the prosecution Head Constable Janak Raj made disclosure statement on 02.07.2023 and it transpired that he had invested Rs. 60 lacs with Ramesh Chorasiya, Rs. 40 lacs with Vibhor and Rs. 50 Lacs with the petitioner who was residing at the relevant time at Ambala. He further argued that the main accused Head Constable Janak Raj was arrested and total cash amount of Rs. 61 Lacs and 07 grams of gold was recovered from him. Janak Raj main accused in the FIR was granted bail by this Court on 06.03.2024. He further submits that the disclosure statement has been made by HC Janak Raj under the pressure of Police and the petitioner-Satpal had never met Janak Raj at any point of time. The petitioner never resided at Ambala. He is resident of Gurugram and to sum up, the petitioner has no link with the main accused Janak Raj. He further contended that the FIR was lodged more than a year ago i.e, on 27.06.2023. Police slept over the matter for a long time simply for the reason that the accused was of their own department. The police on the basis of disclosure statement made by Janak Raj is trying to falsely involve the petitioner who is innocent and has no relation with Janak Raj nor ever met him.

5. As such, 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.

6. The State opposes bail.

7. It would be appropriate to refer to para 5 of the reply, which reads as follows:

“ 5. That on 28.6.2023, the accused Janak Raj was arrested in the case and interrogated. During interrogation, he made his disclosure statement admitting to have committed the crime. In pursuance of his disclosure statement, he got recovered an amount of Rs. 6100000/ (Rs. Sixty one lac) out of the embezzled amount of Rs. 32297150/- (three crore twenty tow lac ninety seven thousand one hundred fifty). The rough sketch of the place of recovery was also prepared. He also disclosed the name of his co-accused as Satpal (present petitioner) son of Sube Singh, Guddu, resident of Laxmi Nagar, Ramesh Chaurasiya, resident of Laxmi Nagar, Delhi, Vibhor, resident of Meerut, Alvin Vajera resident of Maharashtra and Mayur. As per his disclosure statement, he gave Rs. 50 lac out

of the embezzled amount to the present petitioner and apart from this, he also handed over the forged stamp to the present petitioner. A true translated English version (as well as vernacular) of his disclosure statement dated 2.7.2023 is attached herewith as Annexure "R-1" for kind perusal of the Hon'ble Court.

The accused Janak Raj also got recovered a laptop (HP), its charger and mouse and the same were taken into police possession as evidence. Gold articles of 6.67 gms were also recovered from him.

In his disclosure statements, he disclosed to have destroyed forged bank slips, therefore, the offence punishable under Section 201 of IPC was added to the case."

8. The petitioner did not personally embezzle and is not the main accused. Despite various opportunities, the Police did not arrest him. Given 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.

9. 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.

10. 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)	

11. This order is subject to the petitioner's complying with the following terms. 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.

12. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
13. 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.
14. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

30.08.2024
Sonia Puri

Whether speaking/reasoned: Yes
Whether reportable: No.