



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-48222-2024

DATE OF DECISION: 25.09.2024

MAYA DEVI

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. A.S. Brar, Advocate for the petitioner(s).

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)1. Relief Sought

The jurisdiction of this Court has been invoked under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.108 dated 14.07.2024, under Section 408 IPC, registered at Police Station City South, District Moga.

2. Prosecution story, set up in the present case as per the version in the FIR read as under :-

'To, The SSP, Moga. (Through eligible system) Subject:- For registration of FIR regarding Special Report issued in Charik (Inquiry period 01.04.2019 to 31.03.2023) of Charik Multi-Purpose Cooperative Agriculture Service Society Limited. It is requested that Shri Manmohan Singh, Audit Officer, Co-operative Societies, Moga through his office letter No: 2399 dated 06.11.2023 issued during audit of The Charik Multi-Purpose Co-operative Agriculture Seva Sabha Limited Special report of Rs.1,02,82,580.59/- (embezzlement Rs. 90,87,011.05/-



misappropriate of fund Rs. 11,95,569.54/-) has been sent. A special report dated 20.09.2023 was sent to the Office Audit Officer, Co-operative Societies, Moga by Shri Ravneet Singh, Inquiry (Audit) during (inspection period 01.04.2019 to 31.03.2023), after which Mr. Anil Kumar, Senior Auditor, PADB Moga perused/audited this report on 27.09.2023, after verification of audit by Mr. Manmohan Singh, Audit Officer, Cooperative Societies, Moga on 23.10.2023 and Mr. Anil Kumar, Sr. Auditor, PADB Moga after amending the special report on dated 30.10.2023 was re-sent to the office of Audit Officer, Co-operative Societies, Moga. After which on 06.11.2023 this report was sent to the Office of the Chief Auditor and to the Society. According to the instructions of the department, in compliance with this report, management committee of The Charik Multi-Purpose Cooperative Agriculture Seva Society Limited has passed a resolution on 03.03.2024 to take criminal action against the employees guilty of embezzlement/misappropriation. Through this letter, it is requested that the person responsible for the said embezzlement/serious misappropriation of funds Mr. Gurmukh Singh (Ex-salesman) son of Sukhdev Singh, resident of Charik, Maya Devi (temporary Ex-salesman) daughter of Charan Singh, resident of Charik, Lahora Singh (former Secretary/Salesman) son of Baldev Singh, resident of Charik and Balwinder Singh (Ex-Secretary) son of Bikar Singh, resident of Charik, it is requested to the Hon'ble S.S.P. Moga to register an FIR under the relevant sections. Sd/- Gurcharan Singh, President and other Management Committee Member, The Chadik Multi-Purpose Cooperative Agriculture Sewa Sabha Lim: Chadik. Sd/- Harbans Singh above, Sd/- Bholu Singh above, Sd/- Gurjit Kaur above, LTI/- Jasvir Singh above, Sd/- Karamjit Singh above, SD/- Buta Singh above, Sd/- Lakhvir Singh above, Sd/- Jagroop Singh above, Sd/- Nirbhair Singh.”



3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He submits that co-accused Gurmukh Singh has already been granted anticipatory bail by this Court vide order dated 20.09.2024 passed in CRM-M-45848-2024 and seeks parity with him. He further points out that the co-accused namely Balwinder Singh has also been granted the interim anticipatory bail by the Trial court vide order dated 16.09.2024, whereas co-accused Lohara Singh has been granted regular bail from the Trial Court vide order dated 12.08.2024 which are attached as Annexure P-4 and P-5 respectively. He further submits that the present FIR tantamounts to double jeopardy qua the present petitioner, since on the same set of allegations she already stands nominated earlier in FIR No.0003 dated 02.01.2024 but no role was attributed to her.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investigating Officer vehemently opposes the prayer for grant of concession of anticipatory bail on the grounds that there is an embezzlement and misappropriation of the funds to the tune of more than Rs. 1 crore and to ascertain the specific role of the petitioner, custodial interrogation of the petitioner is required, therefore, prays for dismissal of the petition.

4. Analysis

Be that as it may, after given a thoughtful consideration to



the submissions made by the counsel for both the parties and in the light of the discussion made it is apparent from the record that the petitioner was also though named in the earlier FIR No. 003, dated 02.01.2021 under Section 408 IPC but was not made as an accused wherein her role was enquired into but was not found guilty. Now she has been nominated as an accused in the instant FIR again which would definitely tantamount to double jeopardy qua the present petitioner despite the fact that on an earlier occasion on the same set of allegations her role was enquired into but was not found guilty, hence, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. **Decision**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to her 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 as reproduced below :-

(i) *a condition that the person shall make himself available for interrogation by a police officer as and when required;*



- (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- (iii) a condition that the person shall not leave India without the previous permission of the Court;*
- (iv) such other condition as may be imposed under sub-section (3) of Section 437, as if the bail were granted under that section.*

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 stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

25.09.2024
anuradha

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