



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-52843-2024
Date of decision: October 23rd, 2024

Raj Kumar
.....Petitioner

Versus

State of Punjab
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gagandeep Singh Bajwa, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) in case FIR No.33 dated 19.07.22024 under Sections 409 of the IPC and Section 13(1)(A) read with Section 13 (2) of Prevention of Corruption Act, 2018, registered at Police Station Vigilance Bureau Range, District Amritsar.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case with allegations that, during his tenure as the Principal of I.T.I., Baba Bakala Sahib, he embezzled a sum of ₹29,31,618/-. It is contended that the petitioner always performed his duties with the highest level of honesty and dedication, and no complaint regarding his integrity was ever raised during his entire service. It is further contended that the entire case of the prosecution is based on documentary evidence, and all relevant records are already in the custody of the complainant-department.

Hence, custodial interrogation of the petitioner would not be required.

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Learned counsel for the petitioner has further argued that it was, in fact complainant-Jasvir Singh, Head Clerk of I.T.I., responsible for the custody of the records, who withdrew the funds from the account under the Public Private Partnership (PPP) Scheme, as reflected in the I.T.I.'s account statements. It is vehemently prayed that as no recovery is to be made from the petitioner, the present petition be allowed and the petitioner be extended the concession of anticipatory bail.

3. I have heard learned counsel for the petitioner and perused the relevant material on record including the allegations levelled in the FIR, which stands reproduced hereinunder:-

“Content of first information report (if required then a separate paper be attached), Police State Vigilance Bureau Range, District Amritsar. Today on dated 19.07.2024, I Inspector was present at office that a letter bearing no. 28375/VB/S-8 dated 15.07.2024. which was sent by Additional Director Crime, Head Director, Vigilance Bureau, Punjab to SSP Vigilance Bureau, Amritsar Range, Amritsar. SSP Vigilance Bureau, Range Amritsar has marked to DSP Vigilance Bureau unit Amritsar to registered the FIR as per the direction of the Head Office and conduct the investigation as per law. Subject of the same is complaint 201/2021 no. Amritsar against Superintendent Technical Industrial Training Institute Baba Bakala, District Amritsar. After receiving the record relating to letter, a ruqa was return and action was taken. Content of the same as under, S.H.O., complaint no. 201/2021, Amritsar, from the verification it was found Jasbir Singh, Clerk ITI Baba Bakala, District Amritsar has made a

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complaint to Director Education Technical & Industrial Department, Chandigarh that Raj Kumar, Principal, ITI Baba Bakala, District Amritsar regarding the embezzlement of money from the account of the scheme PPP(Public Private Partnership) through the self cheque by pay orders. Verification of the same was done by Yudhveer Singh Dhawan, Deputy Director Technical Education & Department, through Amarjeet Singh, Additional Director-cum-inquire officer, Head Office. Who written to Vigilance Bureau, Punjab for conducting the investigation. On investigation it was found that Central Government allotted to ITI Baba Bakala, Sahib Rs. 2.50 Cr. as a loan grant under the PPP/Public Private Partnership scheme in the year 2008. According to the guideline 20% of the grant was to be kept as seed money in the bank. The repayment of the loan was started after 10 years and the loan was to be repaid to the government in equal installments over 20 years. This grant was to be utilized for ITI civil work, tools, machinery, furniture and furnishing, books and learning sources, Additional men power, training equipment and miscellaneous expenses. Raj Kumar, Superintendent was posted as Principal at ITI Baba Bakala from 09.09.2016 to 19.09.2019. The powers of the DDO of ITI Baba Bakala was with Raj Kumar, Principal. As per the record when the Raj Kumar took charge then there were 10,49,870 Rs. were there in the account of scheme of the PPP and for FDR of 20/20 lakh Rs. in total 80 lakh Rs. was received by him at the time of the taking charge. At the time of withdrawal of these FDR a total amount of Rs.

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89,94,949/- including the interest was deposited in the account of PPP scheme. During the posting of Raj Kumar at ITI Baba Bakala, opening balance in the scheme was 10,49,870/- Rs., after withdrawal of the FDR including interest the amount was 89,94,949/- Rs. and income from other sources to ITI was Rs. 4,04,899/- Rs., total amount was 1,04,49,718/- Rupees. At the time of transfer of Raj Kumar, PPP bank account no. 65034276397, State of Bank of India, Branch Baba Bakala had a balance of Rs. 3076/- and an amount of Rs. 29,31,618/-. According to the cash book, an amount of Rs. 75,15,024/-has been shown to be spent on various works, but Raj Kumar has not made any entry in the bill or cash book regarding spending the amount of Rs. 29,31,618/-. The authority to withdraw or spend up to Rs. 50,000/- from the said funds was with Raj Kumar and for withdrawing or disbursing an amount above Rs. 50,000/- approval of the Chairman of the PPP Committee was required. However, Principal Raj Kumar has been found to have withdrawn more than Rs. 50,000/- due to misuse of these powers. Thus Raj Kumar, Principal being a government official, misused his position and during his position to ITI Baba Bakala Sahib, in violation of the guidelines issued under the PPP scheme, amount through self checks on various dates. 29,31,618/-has been found to be embezzled by withdrawal. Offence u/s409 IPC and u/13(1)A r/v 13(2) PC, Act 1988 as amended by (Amendment) act was found to have been committed by Raj Kumar, Principal/Supintendent ITI Baba Bakala.”

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4. A perusal of the allegations reveal that the petitioner while serving as Principal of I.T.I. withdrew substantial sums under the PPP Scheme. The substantial withdrawals of money exceeded the sanctioned limit. Specifically, a sum of rupees ₹89,94,949/- was transferred to the PPP Scheme, of which rupees ₹75,15,024/- was allegedly spent on various items, and no proper entries qua the said expenditure were found in the cash book; the petitioner failed to account for ₹29,31,618/-. As per the rules, the petitioner was not authorized to withdraw more than ₹50,000/- without the permission of the Chairman of the PPP Committee. However, the petitioner is alleged to have misused his authority and powers and made multiple withdrawals on different dates, blatantly disregarding the rules and regulations.

5. In view of the above, there are *prima facie* serious and specific allegations against the petitioner for misappropriating public funds. As such this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner.

6. The instant petition stands dismissed.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

October 23rd, 2024*Puneet***(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No