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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-53969-2024 (O&M)

Date of Decision : 25.11.2024

Jujhar Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Sahil Kumar, Advocate and
Mr. S.S. Bhullar, Advocate
for the petitioner.

Mr. Vinay Kumar Malhotra, DAG Punjab

KIRTI SINGH, J.(Oral)

1. This is the second petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail to the petitioner in
case FIR No.225 dated 20.06.2023 registered under Section 409 IPC at Police
Station City Hoshiarpur, District Hoshiarpur.

2. The first petition i.e. CRM-M-39465-2023 for grant of anticipatory
bail to the petitioner was dismissed on 17.10.2023 and the following order was
passed:-

*“Learned counsel for the petitioner after arguing for some time, in
order to avoid adverse orders and realizing that contentions are not
finding favour, seeks permission to withdraw the present petition.*

Dismissed as withdrawn.

*Since the main case has been withdrawn the pending
application(s), if any is rendered infructuous.”*



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2. The contents of the above-mentioned FIR are reproduced herein below :-

“Received order no. 3238-PC dated 20.06.2023 Special Investigation Team issued by Hon'ble Senior Superintendent of Police Hoshiarpur having contents of report "To: Subject: Regarding not providing complete handover/charge of case material pertaining to reg. no. 19 and reg no. 17 and causing embezzlement of the material by LR/ASI Jughar Singh No. 1442/Hoshiarpur Head Clerk. Sir, it is requested that your good self has issued order no. 1136-39/Reader SSP vide which Special Investigation Team was appointed for ensuring the handover of complete charge of the case material in Police Station City Hoshiarpur pertaining to Reg. No. 19 and Reg. No. 17 from previous Head Clerks of Police Station City Hoshiarpur to the present Head Clerk Harmeet Singh No. 1966/Hoshiarpur. In this regard, Special Investigation Team obtained list from O/SI Ranjit Kumar Hoshiarpur of the previous Head Clerks who were earlier posted at Police Station City Hoshiarpur from year 2009 onwards. As per the list, the previous Head Clerks were summoned and instructions were issued to them for handing over complete charge of case material containing arms/ammunitions etc. pertaining to reg. no. 19 and reg. no. 17 to the present Head Clerk LR/ASI Harmeet Singh No. 1966/Hoshiarpur. As per report of present Head Clerk LR/ASI Harmeet Singh No. 1966/Hoshiarpur, all Head Clerks who remained posted in Police Station City Hoshiarpur after year 2009 have handed over their charge of arms / ammunition to present Head Clerk LR/ASI Harmeet Singh No. 1966/Hoshiarpur, however, Ex. Head Clerk LR/ASI Jujhar Singh No. 1442/Hoshiarpur who remained posted at Police Station City Hoshiarpur for long tenure, has not handed over the complete charge of case material pertaining to reg. no. 19 and reg no. 17 despite repeated instructions since long time. In this regard, Special Investigation Team got registered rojnamcha report no. 36 dated 13.04.2023 and report no. 21 dated 14.04.2023



Police Station City Hoshiarpur and Special Investigation Team issued a letter to present Head Clerk LR/ASI Harmeet Singh No. 1966/Hoshiarpur vide letter no. 190-5-Punjabi dated 10.06.2023 wherein it was mentioned that "Complete Charge of case material pertaining to reg. no. 19 and reg. no. 17 has been handed over to you by previous Head Clerks or not. If complete charge is not handed over then it may be informed in writing with details of the charge which has not been handed over to you and which Head Clerk has not handed over the charge to you and whether the charge of case material which has not been handed over to you is physically present in the Police Station stores or not." Thereafter, Head Clerk LR/ASI Harmeet Singh No. 1966/Hoshiarpur submitted written report to Special Investigation Team (SIT) vide report no. 191-5Punjabi dated 11.06.2023 wherein it was mentioned by LR/ASI Harmeet Singh No. 1966/Hoshiarpur that LR/ASI Jujhar Singh No. 1442/Hoshiarpur Ex.Head Clerk has not handed over complete charge of case material other than the case material mentioned in the list and as per this list the case material is not physically present in the Police Station Stores. LR/ASI Jujhar Singh No. 1442/Hoshiarpur has not provided complete handover of case material other than the case material mentioned in the list pertaining to reg. no. 17 and regarding the same, LR/ASI Harmeet Singh No. 1966/Hoshiarpur has repeatedly requested LR/ASI Jujhar singh No. 1442/Hoshiarpur but he did not provide complete charge of the said case material. That from the investigation conducted by Special Investigation Team (SIT) and from the written report no. 191-5Punjabi dated 11.06.2023 submitted by present Head Clerk LR/ASI Harmeet Singh No. 1966/Hoshiarpur, it has been found that LR/ASI Jujhar Singh No. 1442/Hoshiarpur has caused embezzlement of the above said case material pertaining to the items mentioned in the list. Therefore, it is recommended to register case under section 409 IPC against LR/ASI Julhar Singh No. 1442/Hoshiarpur and further enquiry should be conducted. During enquiry if role of any other Head Clerk is observed then the same



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may also be considered during investigation. Sd/- Special Investigation Team, SI Sanjeevan Singh SHO Police Station City Hoshiarpur, DSP EO & CC Hoshiarpur, DSP City Hoshiarpur."

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case. He further submits that the petitioner is serving in Punjab Police since 19.09.1989 and his service record is neat and clean and the petitioner is willing to join the investigation.

4. Per contra, learned State counsel has opposed the prayer made by learned counsel for the petitioner and submit that there are serious allegations against the petitioner that when he was posted as MHC of the Police Station, he misappropriated 48 items as entered in Register No.19 during his posting period including currency notes, jewellery of gold and other costly items and he has also misappropriated case property of articles mentioned in register No.17 of the police station. The misappropriation of articles mentioned in register No.17 and 19 of the Police Station shall be having adverse effect on the criminal cases, to which this case property belongs and the same amounts to interference in administration of criminal justice. He further submits that custodial interrogation of the petitioner is required.

5. Heard the rival submissions made by learned counsel for the parties and perused the record.

6. There are serious allegations leveled against the petitioner. Misappropriation of items in the Malkhana involves breach of public trust and undermines the integrity of the law enforcement system. Police personnel entrusted with upholding law must maintain the highest ethical standards and any

deficiency undermines the justice system and warrants strict scrutiny. Accordingly,



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to unearth the true dimension of the alleged crime, this Court does not deem it appropriate to interfere in the matter so as to grant the concession of anticipatory bail to the petitioner at this stage.

- 7. The petition is dismissed.
- 8. Needless to mention that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
- 9. Pending application(s), if any, stands disposed of.

25.11.2024
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(KIRTI SINGH)
JUDGE

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No