211.

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-17076-2025
Date of decision: 01.05.2025

Narinder Nath .... Petitioner

Versus

State of Punjab .... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Karanjit Singh, Advocate, for the petitioner.

Mr. Amit Rana, Senior DAG, Punjab.

Mr. Rakesh Nehra, Senior Advocate, with
Mr. Ravi Chadha, Advocate, for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail, under Section 482 of BNSS, in case FIR No.0223, dated 17.09.2024, under Section 408 of IPC, registered at Police Station Tanda, District Hoshiarpur, in relation to serious allegations of misappropriation of school funds and abuse of official position during his tenure as Head Master and member of the Managing Committee of DAV Senior Secondary School, Urmur.

2. Learned counsel for the petitioner submits that the allegations levelled in the FIR are false, frivolous and actuated by malice. It is contended that the FIR is in fact a counter-blast to the series of complaints filed by the petitioner against the Managing Committee of the school,

alleging illegal sale of school land. It is further urged that the petitioner retired on 30.04.2020 and a No Objection Certificate was issued in his favour by the school Manager, clearly suggesting that he had no pending liabilities or involvement in any financial irregularity.

3. It is further submitted that though, as per the allegations in the FIR, there was an embezzlement of Rs.3,82,00,000/-, the report of the Chartered Accountant (CA) pegs the amount at Rs.87,13,987/-, which, according to the petitioner, was utilized for school development. It is argued that complete records of school accounts are available with the bank, and that the petitioner was not associated with the inquiry conducted by the police, rendering it ex-parte in nature. The accounts allegedly opened by the petitioner, it is claimed, were done with the knowledge of the school management, and as such, there is no culpable intent attributable to the petitioner. It is, thus, prayed that the petitioner be granted the relief of anticipatory bail.

4. Learned State counsel, assisted by learned senior counsel appearing on behalf of the complainant, have vehemently opposed the prayer and submissions made by the counsel opposite. Learned counsels have drawn the attention of this Court to the grave and specific allegations against the petitioner, as substantiated in the FIR (Annexure P-1) and also supported by a preliminary inquiry conducted prior to the registration of the FIR.

5. It has been submitted that the petitioner served as Head Master of DAV School, Urmur, from 01.04.1997 to 30.04.2020, and remained a member of the Managing Committee even after his retirement, till December, 2022. During his tenure, without any formal resolution, he opened two separate bank accounts in Axis Bank, wherein substantial financial transactions were conducted solely under his control. A report of the CA reflects self-withdrawals by the petitioner to the tune of Rs.87,13,987/-, for which, no supporting documentation has been furnished to demonstrate utilization for the benefit of the school.

6. It has been still further submitted that bearer cheques were issued to withdraw large sums of money in the names of various 4th class employees, including one Som Nath, who had already expired, thereby clearly hinting towards the petitioner's involvement in fictitious transactions. Additionally, it has also been submitted that the petitioner procured a school bus from Chohla Mandal Finance, amounting to Rs.7,85,000/-, without requisite approval of the Committee or resolution. Notably, it has been argued it has been argued that said bus was not utilized for the school and the Committee was unaware of its procurement.

7. It has been, therefore, submitted that the custodial interrogation of the petitioner is imperative to unearth the larger conspiracy, identify accomplices (if any), and recover or trace the misappropriated amounts.

8. Given the complexity and nature of financial transactions, it has been argued that the instant petition be dismissed.

9. After hearing learned counsel for the parties, this Court is not inclined to extend the extraordinary concession of anticipatory bail to the petitioner.

10. The allegations against the petitioner are not only serious in nature but also points towards systematic financial mismanagement and embezzlement of funds during his tenure as Head Master of the school and as member of the Managing Committee. The report of the CA prima facie establishes cash withdrawals totalling Rs.87,13,987/- made under the exclusive authority of the petitioner, without requisite resolutions or administrative sanction. The withdrawal of funds through bearer cheques in the names of the deceased/subordinate staff, coupled with the lack of utilization records, seriously undermines the claim of the petitioner of bona fide conduct.

11. Moreover, the unauthorized financing and acquisition of a bus, without the approval of the Committee and its subsequent non-use for school purposes, further supports the prima facie case of abuse of official position and misappropriation of school assets. The creation of multiple bank accounts and a substantial cash handling, without transparency or proper audit trail, warrants a thorough custodial interrogation. Therefore, grant of anticipatory bail, at this juncture, would adversely impact the investigation and may impede the recovery of crucial evidence.

12. Present petition stands dismissed accordingly.

13. 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.

(MANJARI NEHRU KAUL)
JUDGE

May 01, 2025
sanjeev

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No