



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
272 CRM-M-59345-2024
Date of decision: 24th January, 2025

Gurdev Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Pankaj Bali, Advocate for the petitioner.
Mr. Rajiv Sidhu, Deputy Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 50 dated 09.03.2024 registered under Sections 406, 420, 120-B of IPC and Section 3 of Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013 at Police Station Thanesar City, Kurukshetra.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR had been registered on the basis of a complaint lodged by Assistant Registrar, Co-operative Societies, Kurukshetra on the allegations that the accused Hawa Singh Ranga was running a society "The Hind Sehkari Samiti Limited" (NATC) (for short 'Society') in the name of his wife-Raj Bala. The members of the society used to deposit money in the form of fixed deposit receipts/saving accounts. The above said Hawa Singh Ranga, his wife in-connivance with the present petitioner who had been posted as cashier in the society and other co-



accused had misappropriated huge amount of money deposited by the members with the society. On conducting inquiry, a sum of Rs. 45,59,703/- was found to have been misappropriated. After registration of FIR, investigation proceedings were initiated. The present petitioner was arrested on 22.07.2024. He suffered disclosure statement to the effect that he was posted as Cashier of the society w.e.f. 2004 to 2021 and used to get a sum of Rs. 8,000/- per month as salary. He admitted that record regarding deposit of money of 15-16 members of the society in the form of FDR had been prepared separately by him in connivance with the co-accused and in lieu thereof, he had received an amount of Rs. 1,50,000/- from the accused Hawa Singh Ranga and Raj Bala. Investigation has since been completed.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. Infact, he was only a driver in the society and not a cashier as alleged. The allegation that the financial record of the society was maintained by him is wrong. He is in custody since long. Challan has been filed. No recovery has been effected from him. His further detention would not serve any useful purpose. The subject offences are triable by Magistrate. He does not have any criminal antecedents. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has been filed by respondent-State. It is argued by learned Deputy Advocate General, Haryana that there are serious and specific allegations against the petitioner showing his complicity in the commission of offences of cheating by the co-accused thereby causing loss to the tune of Rs. 45,59,703/- to the members of the society. There are



chances of petitioner's absconding, if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner along with the co-accused is alleged to have cheated 15-16 members of the society by preparing a separate record regarding deposit of money by them which money was subsequently withdrawn and misappropriated by the co-accused. The petitioner is also alleged to have derived benefits to the tune of Rs.1,50,000/- in the said transaction. However, he is in custody since 22.07.2024. Investigation has been concluded. Trial will take time. Keeping in view the nature of the allegations as levelled against the petitioner, the part attributed to him, the period of his incarceration and further in view of the well settled proposition of law that bail is the rule and jail is an exception, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

24th January, 2025

Parveen Sharma

1. Whether speaking/ reasoned

: Yes / No

2. Whether reportable

: Yes / No