Present: Sh. Anuj Ahluwalia Advocate, Ld. Counsel for accused/applicant Rajiv Kumar. (through VC)
Ld. A.P.P. for the State. (through VC)

ORDER:

1. Ld. Counsel for applicant as well as Ld. APP for the State both appeared through video conferencing. In response to the notice of this Bail application Ld.APP for State did not file any reply today nor intended to file any reply, rather chose to contest this Bail application orally.

2. Heard upon the bail application moved on behalf of accused/applicant Rajiv Kumar in this case.

3. Ld. Counsel for the accused reiterated the entire version as mentioned in this bail application and submitted that the accused was Clerk in Govt. Higher Secondary Kukgram and remained posted from 15.09.2006 to 09.08.2018. It is further submitted that applicant/accused has not embezzled any amount as the applicant only obeyed the orders of the head master namely Suresh Kumar and it was Suresh Kumar who used to misappropriate the funds of the school and head master Suresh Kumar was the overall In-charge of all the payment of bills. It is further submitted that the head master Suresh Kumar retired from his services in January 2020 and no FIR was registered till his retirement. It is further submitted that the inquiry was conducted before the registration of the present FIR

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but no documents i.e. pays bills, copies of budgets and audit report was supplied to the applicant/accused during the enquiry meaning thereby the applicant/accused was not provided with adequate opportunity to explain his version. It is further submitted that the applicant/accused had given application dated 15.05.2020, 30.05.2020 to obtain the copies of the bills from December 2015 to December 2019, ECS copies from 2015 to 2019 copies of salary budget, official expenditure, electricity bills and other expenditure but the same were not supplied to the applicant/accused as a result of which proper reply could not be given by the applicant/accused to the prosecuting agency. The said documents were in direct charge of head master Suresh Kumar. It is further submitted that the applicant is not required in any kind of investigation nor any kind of custodial interrogation is required, nor any recovery is to be made at the instance of the applicant. The accused had voluntarily surrendered before this Court in the present FIR and therefore, no useful purpose will be served by detaining him in custody for indefinite period as presentation of Challan may take a long time and lastly he prayed for grant of Bail to the accused.

4. On the other hand, Ld. A.P.P. for the State opposed this Bail application of accused on the ground that the accused has committed a serious offense as he has misappropriated the amount of the School and

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public money .The amount in question is around 1 Crore , and the accused has given no information where the amount is kept or about the co accused involved. He further argued that the accused should not be released from custody as he can hamper the investigation and lastly prayed for dismissal of this application.

5. I have considered the submissions of Ld. Counsel for the accused as well as Ld. A.P.P. for the State and I have also gone through the documents available on record. There are serious allegations against the accused Rajiv Kumar, it is registered in the FIR that the accused was Clerk in Govt. Higher Secondary Kukgram and has embezzled the amount of Rs. 99,27,517 of the School. As per the Investigating Officer , the accused has not disclosed about the amount nor about the whereabouts of his co-accused . The amount in question is huge ,which was School money and the allegations levelled are that the accused has cheated and committed forgery of the receipts in order to embezzle the amount of the School in which he was working as a clerk and thus the FIR was registered under Sections 409, 420, 465, 467, 468, 471 IPC as per allegations. The investigation is still pending and co- accused Suresh Kumar is yet to be arrested . The applicant/accused can hamper the investigation if released on bail , Even though it is argued by the Ld. Counsel for the accused that

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the accused Rajiv Kumar has himself surrendered in the court ,hence, he be released on bail . Now, surrendering after a gap of about 4 months after the registration of the FIR on 16.6.2020 is no ground . So considering the seriousness and gravity of allegations leveled against the accused/applicant, this Court is of the considered opinion that accused Rajiv Kumar is not entitled to bail at this stage.

6. Hence bail application of accused/applicant Rajiv Kumar is hereby declined and this application in hand stands disposed of accordingly. Papers be attached with the remand papers of this case.

Announced:
Dated: 22.10.2020
Gurmail Kumar, Stenographer Gr.-III

(Roopa Dhaliwal)
Sub Divisional Judicial Magistrate
UID No. PB0350/Nangal

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