

CNR No.PBRO-01-003669-2020 FIR No.239 of 22.11.2020
B.A. No.1158/1.12.2020 U/s: 409 IPC,
Date of Decision: 7.12.2020 Police Station: Nangal.

Parminder Singh Versus State of Punjab

Present: Sh. D.S. Dara Advocate, counsel for applicant
 Sh. Ravi Sareen Addl. PP for the State/respondent

 Heard on anticipatory bail application moved by the
applicant-accused **Parminder Singh son of Sh. Sarban Singh.**

 In the case in hand, FIR has been registered against the applicant-accused under section 409 IPC. He was working as a Secretary of the Bhanglan Multipurpose Co-operative Agri. Service Limited. The FIR has been lodged on the application of Assistant Registrar Co-operative Societies, Sri Anandpur Sahib, on the allegations that the applicant-accused Parminder Singh who was under suspension, had obtained cheques to the tune of Rs.5,50,575/- from the members of the Society and misappropriated the same. The detail of the cheques was mentioned in the resolution. He did not get deposited the cheques in the Bank and loss of interest to the tune of Rs.2,78,179/- uptill 19.9.2019 was also caused and thus total amount came to be Rs.8,28,754.76. It has further been alleged that uptill 31.8.2018 there was stock of essential goods to the tune of Rs.57,746/- in the charge of the applicant but the same was not available on checking and thus the Secretary/applicant misappropriated the amount to the tune of Rs.8,86,500.76, being Secretary of the Co-operative Society.

 Learned counsel for the applicant-accused has vehemently

argued that the applicant-accused has not misappropriated or committed criminal breach of trust regarding any amount rather there are two resolutions dated 21.8.2017 and 18.12.2019 of the Committee whereby Secretary/applicant was allowed to withdraw his salary. Learned counsel for the applicant-accused has further argued that whatever amount was received from the members, applicant has deposited the same in the bank account of the Society and consequent to the resolutions, he has withdrawn his salary so he has acted bonafide and has not committed any offence. It has been argued that the matter involves documentary evidence in nature, so the custody of the applicant-accused is not required. In support of his contentions, learned counsel for the applicant-accused has relied upon case titled as **Naresh Kumar Vs. State of Punjab 2010(1) RCR (Criminal) 319.** At last, he has prayed for allowing pre-arrest bail application.

On the other hand, learned Addl. PP for the State/respondent has argued that in fact cheques were not deposited by the applicant/accused which he had obtained from the members and only deposited the cash amount and the entire record is with the applicant so his custodial interrogation is required. He has submitted that in fact no such resolutions were passed by the Society and the applicant has forged those two resolutions whereby the clause regarding claiming of salary has been inserted. He has drawn the attention of the Court towards the statement of one Amarjit Singh and Sohan Singh in this regard. He has argued that the case not only involves criminal breach of trust but also

involves forgery of documents and allegations are serious in nature so the application may be dismissed.

The careful perusal of the statement of Amarjit Singh who was Ex-President of the Co-operative Society recorded during investigation reflects that he has stated the applicant was not given salary and the applicant was under suspension and the resolution as claimed by the applicant does not bear his signatures. Statement of Sohan Singh the present President of the Co-operative Society also reflects that the applicant has not handed over the registers to him and the '*Karwai*' register was with applicant/accused. As such in view of above it is clear that no such resolutions were passed. The applicant himself could not have claimed and withdrawn his salary. He had withdrawn substantial amount from the account of Co-operative Society without any authorization and further there are allegations which have come during the investigation that he had forged the resolutions, as such, there are serious allegations against the applicant-accused. The copy of detailed report was also presented during the hearing of the case by the I.O. wherein it has been reflected that there was misappropriation to the tune of Rs.78,289/-, misuse of money to the tune of Rs.3,91,140/-, discrepancies to the tune of Rs.4,88,182.16 and thus total comes out to be Rs.9,57,611.16. The applicant-accused being Secretary of the Society, was custodian of the record and the amount of Society. He has committed criminal breach of trust for the said amount and allegedly forged the resolutions, the original record is also with him. The case law relied upon by learned counsel for

the applicant-accused shall not be helpful to the applicant in prevalent facts and circumstances moreover in the case in hand, investigation is at its initial stage, so in view of the seriousness of allegations and for obtaining the relevant record, this Court is of the view that his custodial interrogation is required, as such, the instant pre-arrest bail having no merits, is hereby dismissed. Police record be returned and bail application be consigned to the record.

Pronounced in open Court:

Dated: 7.12.2020

(Ravdeep Singh Hundal)
Additional Sessions Judge,
Rupnagar (UID No. PB0162)

Sohan Lal
stenographer Gr-I