

**IN THE COURT OF SHRI AVTAR SINGH, UID No.PB0086,
ADDITIONAL SESSIONS JUDGE, AMRITSAR,**

BAIL APPLICATION NO. : 1139 OF 2019
CNR NO. : PBAS01-008675-2019
DATE OF INSTITUTION : 26.02.2019
DATE OF ORDER : 02.03.2019

STATE Vs Arvind Sharma, aged 44 years, son of Sh. Satpal Sharma,
 resident of House No.153, Mohalla Prem Nagar, District
 Pathankot

APPLICANTS-ACCUSED

FIRST INFORMATION REPORT NO. : 450 of dated 09.09.2017

UNDER SECTIONS : 420,467,468,471, 409,120-B
 of IPC read with section
 7,13(1), 13(1)(a), 13(1)(b),
 13(1)(c) and 13(1)(d) of
 Prevention of Corruption
 Act,1988

POLICE STATION : Civil Lines, Amritsar.

2nd Bail application under section 438 Cr.P.C for the grant of
 anticipatory bail.

Present:- Sh. V.D.Behl, counsel for applicant-accused.

Sh. Ashok Kumar, Addl.P.P. for the State.

ORDER

1. Applicant-accused Arvind Sharma, aforesaid, has filed the
 present bail application under section 438 Cr.P.C for the grant of
 anticipatory bail in the above-mentioned FIR

2. Notice of present bail application was issued to State and upon notice, learned Additional Public Prosecutor appeared on behalf of State and contested the present bail application. Police Record also produced. Original file also got put up.

3. Learned Addl.P.P for the State argued that there are specific allegations against the applicant-accused Arvind Sharma, who was working as EO with the Amritsar Improvement Trust, Amritsar. The present bail application must be dismissed as his application under section 438 Cr.P.C was also dismissed by the Court of Shri Jaspinder Singh, learned Additional Sessions Judge, Amritsar, Hon'ble Punjab & Haryana High Court, Chandigarh, and Hon'ble Supreme Court of India.

4. On the other hand, learned counsel for the applicant-accused argued that applicant-accused has been implicated in a false case. Although the application of the accused were dismissed under section 438 Cr.P.C by the Court, but new facts have come on the file. The applicant-accused is ready to join the investigation as and when required, therefore, the applicant-accused may be granted anticipatory bail.

5. From the submissions of learned Additional Public Prosecutor, learned counsel for the applicant-accused and from the perusal of the record it is clear the allegations against the applicant-accused are that he was working as EO with the Amritsar Improvement Trust, Amritsar and he signed cheques vide which the amount was withdrawn from the bank account No.50100028499581 of HDFC Bank. Some cheques were issued by him for withdrawing the amount for self and most of the cheques were received by main accused Daman Bhalla. The above-said account, was not

shown in the account books of the improvement trust, Amritsar and this account was never audited. It is admitted fact that application under section 438 Cr.P.C of the accused have been dismissed by the Hon'ble Punjab & Haryana High Court, Chandigarh and Hon'ble Supreme Court of India. The Hon'ble Supreme Court of India, of India directed the accused to surrender and file regular bail application. The custodial interrogation of applicant-accused is very much necessary. Hence, applicant is not entitled to concession of anticipatory bail. Therefore, present bail application of accused/applicant Arvind Sharma is also dismissed. Police record be returned. Papers be placed on the record.

PRONOUNCED IN OPEN COURT.

DATED : 02.03.2019

***(AVTAR SINGH)
ADDITIONAL SESSIONS JUDGE,
AMRITSAR
UID No.PB0086***

Naresh Kumar
Stenographer(Grade-II)