

*In the Court of Sh. Rakesh Kumar
Additional Sessions Judge,
Ferozepur.*

Bail Application No.434 of 16.08.2018
CIS No. BA-1761/2018
Date of Order :- 23.08.2018
CNR No.PBFZO100458622018

State of Punjab.

.... Respondent.

Versus

Javinder Singh No.5/145 IRB Ex. MHC Vigilance Bureau,
Ferozepur aged 61 years son of Buta Singh, permanent resident of
village Satiye Wala, now resident of 412, Defence Colony, Gate
No.3 near Gamtala Bypass, Amritsar, (Aadhar Card No.7374-8184-
9176).

.... Applicant/accused.

FIR No.16 dated 04.06.2018
Under Sections 409/120-B IPC and
Section 13 (1) (C) (D) read with 13 (2) P. C.
Act
Police Station: Vigilance Bureau Ferozepur
Range Ferozepur.

Application for bail under section 438 (i) Cr.P.C.

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PRESENT:

Mr. J. S. Kalra, counsel for the applicant/accused.

Mr. B. S. Kamboj, Additional P.P. for the State.

ORDER

1. The present bail application under section 439 Cr.P.C.
has been filed by applicant Javinder Singh through counsel Sh. J. S.
Kalra, in case FIR No.16 dated 04.06.2018, registered at police

station Vigilance Bureau Ferozepur Range Ferozepur under sections 409/120-B IPC and Section 13 (1) (C) (D) read with 13 (2) P. C. Act

2. Notice of the application was given to the learned Additional Public Prosecutor for the State and in pursuance of the said notice, the Additional Public Prosecutor for the State has put in his able appearance and has strongly contested the present bail application.

3. Brief facts of the present case are that present FIR has been registered on the allegations that as per order bearing No.3823 dated 23.08.2017, passed by SSP, Vigilance Bureau, Ferozepur, a team was constituted for checking of Malkhana of police station, Vigilance Bureau, Ferozepur. Said team conducted checking of the malkhana on 20.02.2018 and found that as per register No.19 of the Malkahana, cash worth Rs.1,01,195/-, one gold ring, one silver kara, two silver rings, two mobile phones, 24 watches, two rings, 78 bags of rice, one motor switch, one starter, one iron board and cable wire etc. valuable articles were missing from the malkhana. It was found that MHC Sukhvir Singh No.75/894 (since deceased), HC Harinder Singh No.27/44 PAP, HC Javinder Singh No.5/145 IRB, HC Harinder Singh No.75/41, HC Raj Pal Singh No.2-C/107 and HC Ravinder Kumar No.126/FZR, have committed an offence

punishable under Sections 409, 120-B of IPC, 13(1)(C)(D) read with 13(2) PC Act and FIR was registered accordingly.

4. The counsel for the applicant has contended that false case had been planted against the applicant. He has further contended that the allegations in the FIR were false, vague and highly improbable. The present FIR Was bald and vague and as per the FIR, occurrence pertains to 1995 to year 2017 and all the MHC who had been posted in the Vigilance Bureau, Ferozepur from year 1995 to 2017 had been roped in without any specific act or overt act being attributed to the present applicant or the co-accused (non applicant). He has further contended that there was no specific allegations against the applicant or that co-accused (non applicant) and no detail of the cases had been mentioned to which the said case property pertains and without any specific detail no liability can be fastened upon the applicant. There was no specific allegations as to which period the said articles belongs or the particulars of the case and as such the present FIR was misuse of process of law. He has further contended that the applicant had neither been called or joined at the time of conducting the checking and as such no liability can be fastened upon the applicant when he had handed over the charge as per rules.

5. On the other hand, the learned Additional Public Prosecutor for the State has contended that there were serious allegations regarding embezzled and misappropriation by the applicant. The bail applications to two accused Ravinder Kumar and Rajpal have already been dismissed by this court and thus on the ground of parity the present bail application was also liable to be dismissed.

6. I have considered the submissions made by the counsel for the applicant as well as learned Additional PP for the State and also gone through the record on file.

7. After perusing the entire material available on record and arguments of the learned Additional Public Prosecutor for the State and learned counsel for the applicant, I am of the considered opinion that the present bail application deserves to be dismissed. The allegations against the present applicant are that the applicant remained MHC of Vigilance Police from 2002 to 2007 and during the said period applicant embezzled and misappropriated huge articles including gold articles. There are clear cut allegations against the present applicant are that present applicant Javinder Singh being police official i.e. MHC misappropriated the amount of Rs.18,054/- along with four watches and seven purses. Although the

contention raised by the counsel for the applicant is that present applicant was no longer required for further investigations but serious allegations have been levelled against the present applicant that he being custodian of the case property misappropriated the amount which is indeed heinous crime. There is another aspect of the matter that the present applicant misappropriated the articles of the same police station of which he was the MHC. The entire recovery remains to be effected. Therefore, no extra ordinary circumstances are made out for the grant of concession of regular bail. Hence, the present bail application is, hereby, dismissed. Bail application be consigned to the record room.

Dated:23.08.2018.

vikas Stenographer Gr.II

(Rakesh Kumar)
Additional Sessions Judge,
Ferozeur.
UID No.PB-0138