

12025:HHC:40218

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MP(M) No. 2674 of 2025

Decided on : 25.11.2025

Bharat Singh

...Applicant

Versus

State of H.P.

...Respondent

Coram

The Hon'ble Mr. Justice Virender Singh, Judge.

*Whether approved for reporting?*¹

For the Applicant : Applicant in person with Mr. Vikas Rahore, Advocate.

For the respondent : Mr. Varun Chandel, Mr. Mohinder Zharaick, Addl. AGs with Ms. Ranjna Patial, Deputy A.G., assisted by ASI Surender Kumar, P.S. Jogindernagar, District Mandi, H.P.

Virender Singh, Judge

The applicant has filed the present application, under Section 482 of Bharatiya Nagarik Suraksha Sanhita (hereinafter referred to as 'the BNSS') in case FIR No. 32 of 2025, dated 7.2.2025, registered under Section 409 of the Indian Penal Code

(hereinafter referred to as 'the IPC), with Police Station, Joginder Nagar, District Mandi, H.P.

2. By way of the present application, the applicant has sought the indulgence of this Court to direct the Investigating Officer/Police, to release him on bail, in the event of his arrest, in the above-mentioned case, as, he is apprehending his arrest, in the said case.

3. According to the applicant, he is innocent person and has falsely been implicated in the present case.

4. The applicant has given certain undertakings, for which, he is ready to abide by, in case, directions are issued to the Police/I.O., under Section 482 of the BNSS.

5. On the basis of above facts, applicant has sought the relief, as claimed in the present bail application.

6. When, put to notice, the Police has filed the status report, disclosing therein, that Inspector Post

Mandi South has submitted the complaint in Police Station, Joginder Nagar, District Mandi, H.P., mentioning therein the following facts:

“To The Station House Officer Joginder Nagar 175015 by hand No. F4/1. 2023-2024 dated at Mandi 06.02.2025 Sub- Misappropriation of govt. money by Sh. Bhart Singh Ex. G.D.S BMP Balh Kwar BO via Lad-Bharol Sub-Post Office, Sir, On the subject mention above, it is reported that Sh. Bhart Singh S/O Sh. Jai Singh Village Paloti PO Balh Kwar Distt. Mandi while working as BPM at Balh Kwar BO in accountant with Ladbharol so has misappropriation govt, money to the tune of Rs. 2,56,000 (Two lakh fifty six thousand only) temporary and permanent fraud in the following accounts along with detail report on dated noted against each: S. No. account No. type of account name and address amount 1. 9640554651 SSA MS Nanei Devi minor A/C through mother Smt. Julma Devi Vill. Kufru PO Balh Kwar via Ladbharol 56000/- 2. 9640554681 SSA M/S Muskan minor account through mother Smt. Julma Devi. Vill Kufru PO Balh kwar via Lad bharol 54500/-Rs 3. 9640554971 SSA MS Riya minor account through mother Smt. Sarla Devi W/o Vinod Kumar Vill. Katkal PO Lad bharol 60500/-4. 9639956113 SB Sh. Rattan Chand S/o Late Sh. Bikham Ram Vill Daled PO Balh Kwar 13000/- Rs 5. 3566608499 SB Smt. Dhani Devi W/o Late Sh. Gidar Ram Vill

Drove PO Balh Kwar 72000/- Total 256000/- it is Therefore requested to please register Fir against Sh. Bharat Singh S/O Jai Singh village Paloti PO Balh kwar Distt. Mandi Pin 175016 at the earliest and arrange to supply copy of FIR to this office for record.”

6.1 On the basis of above facts, the Police registered the case under Section 406 IPC. Criminal machinery swung into motion. Statements of the investors were recorded under Section 161 Cr. P.C. Record was taken into possession.

6.2 From the record, it has been found that applicant Bharat Singh has joined as Branch Dakpal, in the year 1994 and when, he was posted as such at Balh Kwar w.e.f. 13.7.2023 to 11.5.2025, he has temporarily embezzled the amount of Rs. 2,56,000/-.

6.3 During investigation, it has been found that one Julmo Devi had opened two accounts under Sukanya Smridhi Yojna, in the name of her daughters, and she used to deposit the amount, in their accounts, whereas, applicant Bharat Singh used

to make entry in the passbook, but he did not make entry in the original record.

6.4 In another complaint, one Sarla Devi had also opened the account in the name of her minor daughter. In the said account also, applicant used to make entry in the passbook, but he was not making entry in the original record.

6.5 When, the investors developed suspicion about the entries, then, they got their accounts checked from the Sub-Post Office, Ladbhadol and it was found that there was no entry in the original record. It has been found that a total amount of Rs. 1,71,100.- has not been found mentioned in the original record. As such, involvement of the applicant was found in the crime in question.

6.6 During investigation, it was found that total amount of Rs. 2,56,000/- was temporarily embezzled by the applicant. As such, Section 409 of the IPC was added and Section 406 of the IPC was deleted, in the present case.

6.7 After perusing the status report, interim protection was granted to applicant, vide order dated 11.11.2025, and the matter has been adjourned for 18.11.2025.

6.8 On 18.11.2025, Police filed supplementary status report, in which, it has been mentioned that signatures of the applicant are yet to be obtained and investigation is still going on.

6.9 Today, the Police filed fresh status report, according to which, applicant has joined the investigation and his specimen signatures were obtained by producing him, before the Court of learned JMFC, Joginder Nagar, District Mandi, H.P.

6.10 During departmental inquiry, the amount, which was temporarily embezzled by him, has been recovered from him and no further recovery is to be made from him.

6.11 On the basis of above facts, a prayer has been made to dismiss the application.

12. Considering the fact that as per the status report filed on 25.11.2025, the amount, allegedly embezzled by the applicant, has been deposited by him, no prayer for custodial interrogation has been made.

13. Considering the said fact, this Court is of the view that dismissal of the application would be nothing but remanding him to police custody/judicial custody, which amounts to pre-trial punishment, which is prohibited under the law.

14. The role attributed to the applicant would be proved during trial.

15. The applicant is permanent resident of District Mandi, as such, it can not be stated that in case, he is ordered to be released on bail, he may not be available for trial.

16. Considering all these facts, the interim order dated 11.11.2025, passed by this Court, is hereby made absolute. Therefore, it is ordered that the applicant be released on bail, in the event of his

arrest, in case FIR No. 32 of 2025, dated 7.2.2025, registered under Section 409 of the IPC with Police Station, Joginder Nagar, District Mandi, H.P. on his furnishing personal bond, in the sum of ₹50,000/-, with one surety of the like amount, to the satisfaction of the Investigating Officer. This order, however, shall be subject to the following conditions :

- a) *That the applicant will join the investigation of the case, as and when, called for, by the Investigating Officer, in accordance with law;*
- b) *That the applicant will not leave India, without prior permission of the Court;*
- c) *That the applicant will not, directly or indirectly, make any inducement, threat or promise to any person, acquainted with the facts of the case, so as to dissuade him/her from disclosing such facts to the Investigating Officer or the Court; and*
- d) *That the applicant shall regularly attend the trial Court on each and every date of hearing and if prevented by any reason to do so seek exemption from appearance by filing appropriate application.*

17. Any of the observations, made hereinabove, shall not be taken as an expression of opinion, on the merits of the case, as these observations, are confined, only, to the disposal of the present applications.

18. It is made clear that the respondent-State is at liberty to move an appropriate application, in case, any of the bail conditions, is found violated by the applicant.

(Virender Singh)
Judge

November 25, 2025
Kalpana