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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-58798-2024

Date of Decision: 14.01.2025

Jaswinder Singh

...Petitioner

Versus

State of U.T., Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. A.D.S. Sukhija, Advocate
for the petitioner.

Mr. Manish Bansal, P.P., U.T., Chandigarh.

ANOOP CHITKARA, J.

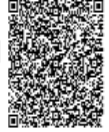
FIR No.	Dated	Police Station	Sections
187	26.10.2024	Central Sector-17, District Chandigarh	316(1) and 3(5) of BNS, 2023

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. In paragraph 15 of the bail petition, the accused declares that he has no criminal antecedents.

3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“3. That the brief facts of the case are like that the above noted case was registered on the complaint of Sh.Sandeep Sethi Assistant Controller For Director Transport Chandigarh Transport Undertaking Chandigarh wherein he mentioned that the present petitioner Jaswinder Singh, has been deputed at ISBT-17 for collection of amount for recharging RFID tags being used by the buses of various State transport buses for in/out through Boom Barrier, ISBT-17. However, during the reconciliation of RFID tags recharge for the period from June 2023 to September 2024, it came into picture that there is a short deposit of Rs.49,59,800/- collected for RFID tag recharge at ISBT-17 by the present petitioner Jaswinder Singh, C-254. The present petitioner Jaswinder Singh, C-254, verbally reported that co-accused Rahul



posted as Security Guard (outsourced), ISBT-43 has siphoned Government money received from him and not deposited the said amount in the Government exchequer. Now, though the present petitioner Jaswinder Singh, C-254 has deposited the entire amount of Rs.4959800/- in Government exchequer. However, attempt to fraud has been established. A request was made to lodge the F.I.R against the present petitioner Jaswinder Singh and co-accused Rahul, security guard under relevant provisions of law. On the basis of aforesaid information, the present FIR No.187 Dated 26.10.2024 Under Sections 316(1) and 3(5) of the Bhartiya Nyaya Sanhita, 2023 at Police Station- Sector-17, Chandigarh was registered against the present petitioner and co-accused.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. The State's counsel opposes bail and refers to the status report.

6. It would be appropriate to refer to the following portions of the status report, which read as follows:

“ROLE AND EVIDENCE AGAINST THE PETITIONER:-

4. That during the course of investigation, the complainant given his supplementary statement and also provided the details mentioning the alleged amount of Rs.49,59,800/- collected from the various vehicles/Govt. buses by the present petitioner Jaswinder Singh Conductor no. C-254 of CTU, which he did not deposit in the Cash Branch from 12.06.2023 to 27.09.2024. It further comes into picture that the present petitioner Jaswinder Singh, CTU Conductor was deputed/ transferred in the year Dec. 2021 from depot no. 1 to Boom Barrier, ISBT-17, Chandigarh. It was further revealed that the present petitioner cheated the department of Rs.49,59,800/- in connivance with the co-accused Rahul who is deployed as Security guard through outsource agency at ISBT-17, Chandigarh. It was further submitted by the complainant that an internal enquiry into the matter had been conducted and during the said enquiry the present petitioner Jaswinder Singh and co-accused Rahul was asked to show the receipts issued from cash branch. On perusal of receipts, it was found that certain amount has not been deposited by the concerned official. The said receipts are computer generated receipts and the same are neither stamped nor signed by the department concerned. During the course of



further enquiry the present petitioner stated that he used to give the cash in good faith to co-accused Rahul to deposit it at cash branch, ISBT-43, Chandigarh, however, co-accused Rahul instead of depositing the cash in cash branch, misappropriated the said amount and given the fake receipts to the present petitioners. It is submitted that the deposit of the entire embezzled amount by the present petitioner clearly reveals that he is involved in the alleged crime and in order to save his skin from criminal proceedings and to save his service, he deposited the embezzled amount with the complainant's department."

7. The nature of allegations points out towards mis-appropriation, considering the amount involved and the fact that some amount is claimed to have been returned, it's not a case for custodial interrogation or pre trial incarceration.

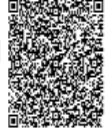
8. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

9. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	



4.	E-Mail id (If available)	
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12. This order is subject to the petitioner's complying with the following terms.

13. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

14. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

15. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

16. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

17. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

18. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may



download and use the downloaded copy for attesting bonds.

19. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

14.01.2025

Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.