

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

CRM-M-41653 of 2014

Date of Decision: March 10, 2015

Kulwant Singh Gill

...Petitioner

Versus

State (Union Territory, Chandigarh)

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. A.P.S Deol, Senior Advocate with
Mr. H.S. Mavi, Advocate for the petitioner.

Mr. J.S. Toor, A.P.P for U.T. Chandigarh.

Mr. Aalok Jagga, Advocate
for the complainant.

FATEH DEEP SINGH, J.

In this second regular bail application under Section 439 Cr.P.C. the petitioner Kulwant Singh Gill who is in custody is facing allegations that while as President of the Chandigarh, Sector-16, Co-operative House Building Society Limited had collected a sum of ₹5.42 crores from the members allottees and failed to deposit the same as per the terms and conditions and belatedly had deposited a sum of ₹4.12 crores thereby, embezzling more than ₹1 crore which he had subsequently deposited, thus, creating by his own acts of embezzlement a liability by way of interest on the members of the society and, thereby, accruing a balance of ₹3,33,12,729/-.

It is argued on behalf of the petitioner by learned

Senior counsel that the petitioner is in custody since July, 2014 and that the trial is not likely to be concluded in near future and that his co-accused S.K. Miglani has already been allowed regular bail by the trial Court. The same is controverted on behalf of the learned State counsel arguing that the challan has been presented and that the enormity of the offence does not calls for grant of bail as there is every likelihood that the petitioner would tamper with the evidence and influence the witnesses.

Heard learned counsel for the parties.

Earlier the similar bail application of the petitioner was declined by this Court, the challan has already been presented and the apprehension expressed by the prosecution that if the petitioner is allowed regular bail he would tamper with the evidence and influence the witnesses is not unfounded.

Thus, seriousness of the offence does not calls for grant of regular bail to the petitioner, the same, as such stands declined.

(FATEH DEEP SINGH)
JUDGE

March, 10 2015
aarti