

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-36874 of 2016
Date of decision : 22.10.2016

Ashok Sood

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Vikram Chaudhri, Sr. Advocate with
Ms. Isha Goyal, Advocate,
for the petitioner.

Mr. J.S. Shekhon, AAG, Punjab.

SUDIP AHLUWALIA J. (ORAL)

Investigation qua the present petitioner is complete. He is in detention for almost 4 ½ months now. Trial could not commence due to absconsion of the co-accused so far.

The petitioner is stated to be an old man of 64 years.

Admittedly, the quantum of stolen property within the meaning of offence of cheating/forgery imputed to the accused persons is huge being in excess of Rs.3 Crores.

It is further submitted that about 35% of the amount has already been paid off and Arbitration proceedings for recovery of the balance are, as yet, pending. It is also submitted that continued incarceration of the petitioner can only be detrimental to the objective of further repayment/discharge of liabilities of the complainant-company on account of which no fruitful purpose would be served by keeping him in custody any further.

Be that as it may, it is first of all observed that release of the accused in the peculiar circumstances can in no way absolve him of his criminal liability as may be determined after a regular trial. However, considering his old age and desperate condition, on humanitarian grounds, it is deemed appropriate that he be released as an interim measure to enable him to endeavour and pay off the remaining liabilities as soon as possible. The authorities shall be at liberty to seek cancellation of the interim bail if his conduct to this end is manifestly insincere or he otherwise tries to shield the other absconding accused person(s).

The petitioner, therefore, be released on bail at appropriate terms and conditions with a further rider of imposing an additional condition of making him to report at the concerned Police Station on a regular basis, the frequency and duration of which is left to discretion of the concerned Court.

(SUDIP AHLUWALIA)
JUDGE

22.10.2016
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Whether speaking/reasoned : ***Yes/No***

Whether Reportable : ***Yes/No***