

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

CRM-M No. 37397 of 2015 (O&M)

Date of Decision: 03.03.2016

Mohammad Sadiq Ahmed Khan and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. A.P.S. Sandhu, Advocate
for the petitioners.

Mz. Rimplejeet Kaur, Assistant Advocate General, Punjab
for the respondent/State assisted by ASI Swinder Singh.

JASWANT SINGH, J. (ORAL)

Prayer in this petition under Section 439 of the Code of Criminal Procedure, is for grant of regular bail on behalf of the accused persons, namely, Mohammad Sadiq Ahmed Khan (petitioner No. 1) and Mohammad Abdul Arif (petitioner No. 2) in case FIR No. 16, dated 18.01.2014, for offences punishable under Section 420 of the Indian Penal Code, Section 66 of I.T. Act (Sections 419, 420, 465, 467, 468, 471 and 120-B of the Indian Penal Code added subsequently), registered at Police Station Beas, District Amritsar Rural.

As per allegations, levelled by the Manager of the Bank, both the above-named petitioners alongwith nine other non-applicants/co-accused persons, during different periods of time, have withdrawn huge amounts from the account of the account holder-Pratap Singh Sondhi by using Internet. Both the petitioners are attributed the withdrawal almost of Rs. 10/20 lacs.

It is contended that apart from the merits of the case, both the petitioners are in custody since 30.01.2015 and 31.01.2015, respectively; the investigation qua them are over and challan has been filed. Therefore, the prayer is for grant of bail on account of the custody period of the petitioners.

Learned State Counsel, assisted by ASI Swinder Singh concedes regarding the custody period of the petitioners and the fact that challan qua the petitioners has been presented on 01.05.2015. She further states the trial is yet to commence on account of the proclaimed offender proceedings against rest of the co-accused persons and there are eighteen cited prosecution witnesses.

Without commenting on the merits of the case, keeping in view the facts noticed above; custody period of the petitioners, no useful purpose would be served by keeping the petitioners/accused in custody since the trial is not likely to commence in near future, the present petition is allowed and the petitioners are ordered to be released on bail subject to heavy sureties to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Amritsar.

March 03, 2016

'dk kamra'

(JASWANT SINGH)
JUDGE