

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-43668 of 2016
Date of decision : December 13, 2016

Gulzar Singh

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present: Mr. A.P. Singh, Advocate, for the petitioner
Mr. P.S.Paul, DAG, Punjab, for the respondent-State

Fateh Deep Singh, J. (Oral)

The allegations against petitioner Gulzar Singh in this supplementary bail application under section 439 Cr.P.C. which has been moved after withdrawing the first application on account of addition of certain offences are that prior to 8.7.2016, the petitioner who was caretaker of the complainant is alleged to have stolen certain blank cheques and in the process has withdrawn Rs 50 lacs to Rs 60 lacs from the bank account of the complainant where he had deposited a sum of Rs 1.5 crores.

The contentions of the counsel for the petitioner are that the petitioner is in custody since 9.7.2016 and that the admitted stance of the prosecution that the cheques bears the signatures of the complainant and has been legitimately drawn the amount on the instructions of the complainant though on behalf of the State the bail application has been sought to be opposed with much force and vehemence by Mr. Paul on the grounds that the complainant Sat Parkash Walia has since died on 23.7.2016 and that

there are apprehension that the petitioner might have instrumental in his death.

Appreciating the submissions, at this juncture there is nothing to reflect the role of the petitioner in the death of the deceased who admitted as per the post mortem report does not bear any injury or sign of un-natural death and that the petitioner is in custody and nothing is to be recovered from him and culpability if any shall be determined at the time of trial.

In view of the aforesaid and the fact that the trial is not likely to be concluded in near future, without adverting to the merits of the case, the instant application is allowed. Bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Patiala.

The present petition stands disposed off accordingly.

December 13, 2016
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No