

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

**CRM-M-17113 of 2016 (O&M)
Date of Decision: January 10, 2017**

Kulwant Singh Gill

...Petitioner

Versus

U.T. Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. M.K. Dogra, Advocate
for the petitioner.

Mr. J.S. Toor, APP, U.T. Chandigarh.

FATEH DEEP SINGH, J.

This order shall disposed off 4th regular bail application under Section 439 Cr.P.C. moved on behalf of the petitioner-accused Kulwant Singh Gill.

The brief allegations canvassed before this Court are to the effect that the accused while holding the charge of Secretary of the Chandigarh, Sector-16, Cooperative House Building Society Limited (in short 'the Society') failed to deposit the installment received from the members of the Society and embezzled more than Rs.1 crore for a long period of time, as a consequence of which, the society had to bear monetary penal consequences as instead of depositing the requisite amount of Rs.5.42 crores had deposited Rs.4.12 Crores causing financial loss computed to the tune of Rs.3.50 crores approximately.

The petitioner was allowed interim bail by this Court vide orders dated 27.7.2016 passed in CRM No.17619 of 2016. The lone contention raised by the petitioner side is his medical illness necessitating allowing of the bail application and that the petitioner has remained behind the bars for more than 02 years which is opposed by the learned State counsel contending that there is no urgent medical necessity for allowing the bail and that the seriousness of the allegations and heinousness of the offence does not call for allowing such a relief.

Appreciating the submissions and the report received by this Court from the PGIMER, Chandigarh nowhere opines that the petitioner who has already undergone Cardiac Angiography is unable to carry on with his day-to-day activities. Learned counsel for the petitioner could not convince this Court by any means of any such medical necessity which could help the case of the petitioner for grant of bail. Mere long period of incarceration is no ground to release the petitioner on bail. More so, it is the own stand of the petitioner side that the petitioner is regularly appearing before the Court on all dates and, thus, there is no impediment in attending the Court by his alleged medical disablement. The claim of the petitioner which was initially passed wherein the petitioner has sought interim bail was purely on the grounds to enable him to undergo coronary artery bypass (CABG) and which the petitioner could not show to this Court was undertaken during this period of more than five months of interim bail rather appears to be a façade set up by the petitioner to seek indulgence of this Court. The earlier three bail applications of the petitioner stood declined and which findings are upheld by the Hon'ble Supreme Court of

India vide orders dated 17.4.2015. No fresh ground could be impressed upon this Court. Thus, finding no merit the present regular bail application stands dismissed.

Since the earlier order of interim bail has become infructuous, the petitioner is directed to surrender before the jail authorities within a period of one week.

Necessary intimation be sent to the quarter concerned.

(FATEH DEEP SINGH)
JUDGE

January 10, 2017
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No