

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

CRM-M-35314-2017 (O&M)
Date of decision : 20.12.2017

Chhaju Ram

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. APS Deol, Sr. Advocate,
with Mr. Shaktipal Singh Mann, Advocate,
for the petitioner.

Ms. Gulnoor Ghumman, AAG, Punjab,
assisted by ASI Sadhu Singh.

Mr. K.S. Brar, Advocate,
for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No.85 dated 02.07.2015, registered under Section 409 of the Indian Penal Code, at P.S. Sardulgarh, District Mansa.

Contents that in the FIR, an amount of Rs.3,92,820/- is stated to have been embezzled. Learned counsel refers to zimini orders passed by learned trial Court from 21.08.2016 to 08.12.2017, to contend that no PW was examined during this period.

Learned counsel for the complainant states that on re-audit, the amount embezzled by the petitioner has been assessed as Rs.30,11,918/-.

Learned State counsel on instructions, submits that in pursuance of re-audit, supplementary challan is likely to be presented, wherein, 112 prosecution witnesses have been cited.

Heard.

This is the second bail petition moved by the petitioner.

Considering the facts that it is a magisterial trial, the petitioner is in custody since 06.02.2017 and in view of the zimni orders pertaining to 21.08.2016 till 08.12.2017 coupled with the fact that complete uncertainty has descended on the fate of the trial, this Court feels that further incarceration of the petitioner in the matter is not warranted.

In view of the above, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on furnishing indemnity bond in the sum Rupees fifteen lakh, with one surety in the like amount, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned. However, the respondent(s)/complainant(s) are directed not to release the retiral benefits to the petitioner till the conclusion of the trial. The petitioner shall also surrender his passport with the trial Court, if any, held by him and shall not leave the country without prior permission of this Court.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

20.12.2017
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No