

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

CRM-M No.38043 of 2016 (O&M)

Date of decision: 18th January, 2017

Khem Singh Rawat

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. J.S.Bedi, Senior Advocate with
Mr. Ajay Kumar, Advocate for the petitioner.

Mr. P.S. Paul, Dy. Advocate General, Punjab with
ASI Dalbir Singh,
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Khem Singh Rawat in this petition filed under Section 439 Cr.P.C. seeking regular bail in case FIR No.77 dated 23.12.2000 registered at Police Station Vigilance Bureau, Jalandhar under Sections 406, 420, 471, 120-B, 467, 468 IPC and Section 7(2) of the Punjab Land Reforms Act, 1972, are that during the period 28.08.1999 till registration of the instant case, petitioner who happened to be non-executive Director of M/s Golden Forests India Limited (in short, 'the Company') where he remained from 28.08.1999 till 23.12.2000, is alleged to have usurped along with his co-accused by a well hatched conspiracy money by forging vouchers and thus, duped the investors of their valuable money which in the present case is assessed to the tune of Rs.97.00 lacs.

Contentions of the Mr. J.S.Bedi, Senior Advocate assisted by Mr.Ajay Kumar, Advocate representing the petitioner are that the petitioner is in custody for the last nine months and that similarly placed co-accused have already been acquitted by the trial Court and has sought to hammer-home the point that neither any offence under the Punjab Land Reforms Act, 1972 nor under Sections 467, 468, 471 and 120B IPC is made out and that there is no allegation against the petitioner of having ever signed any of the vouchers and withdrawing the payment or any such act which could bring him within the focus of criminality.

Though on behalf of the State, Mr. P.S. Paul, Dy. Advocate General, Punjab has sought to oppose grant of bail to the petitioner taking plea that the petitioner has been earlier declared as proclaimed offender and if allowed bail there is a reasonable apprehension that he might again take law into his hands, and has sought to bring about that the findings earlier given by the trial Court have not much relevance to the present petitioner's case.

Appreciating the submissions of the two sides, to the very specific query of this Court, learned State counsel could not pinpoint any criminal act attributable to the petitioner for attraction of offence either under Sections 406, 420, 471, 120-B, 467, 468 IPC or Section 7(2) of the Punjab Land Reforms Act, 1972; and rather has fairly conceded at the bar that as per the supplementary challan submitted qua the petitioner, nothing is discernible adverse to the petitioner.

Having regard to the period of detention and without feeling necessity to advert on to the merits together with the fact that the petitioner has remained a Director only for one year and that too in the capacity as an Executive Director and not the owner Director and the fact that culpability, if any, shall be determined at the trial and trial will take a long time to conclude, impels this Court to allow the prayer made.

Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Hoshiarpur.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

January 18, 2017

rps

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No