

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

CRM M-43167 of 2017.

Date of Decision: 24.11.2017.

Ish Kumar @ Esh Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. R.S. Rai, Sr. Advocate with
Ms. Amanpreet Kaur, Advocate,
for the petitioner.

Ms. Gulnoor Ghuman, AAG Punjab.

JITENDRA CHAUHAN.J.(ORAL)

This is second bail application filed under Section 439 Cr.P.C seeking bail in case FIR No. 107 dated 04.11.2015 registered under Sections 406 and 420 IPC at Police Station City-I, Malerkotla, District Sangrur.

Learned counsel for the petitioner contends that the the petitioner being an employee in the Crown Company transacted certain business for and on behalf of the company. The entire amount as stated in the FIR and accepted by the petitioner, was credited in the account of the company through Jain traders who are alien to the petitioner. Even learned Senior counsel refers to the statement of complainant, Avtar Singh, PW-4 to contend that the amount in question was not paid through him. The main accused, Jagjit Singh was allowed interim bail in pursuance to the undertaking and assurance that he will discharge the liability but the main accused misused the concession of

bail and was subsequently declared a proclaimed offender whereas, the petitioner is in custody since 24.12.2015. The material witnesses have been examined.

On the other hand, the learned State counsel opposes the bail application.

Heard.

Considering the fact that the petitioner is in custody since 24.12.2015; the material witnesses have been examined; the entire proceeds allegedly received by the petitioner for and on behalf of the company were credited in the account of the company and the trial is not likely to be concluded in near future, so, taking into consideration these fresh circumstances, without commenting on the merits of the case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and two local heavy surety bonds to the satisfaction of trial Court/duty Magistrate concerned.

The petitioner shall also surrender his passport, if any, held by him and shall not leave the country without the written permission of this Court

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

24.11.2017.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No