

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-44058 of 2016
Date of Decision: 03.02.2017

Pankaj and another

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Lajpat Sharma, Advocate
for the petitioners.

Ms. Harpreet Kaur, A.A.G., Haryana.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 273 dated 27.07.2016 registered for the offences punishable under Sections 420, 467, 468, 471, 120-B, 166-A and 167 of Indian Penal Code (for short 'IPC'), at Police Station Tosham, District Bhiwani.

Heard.

FIR was got registered by Dinesh Katpalia, Manager, Sarv Haryana Gramin Bank, Branch Office, Dhani Mahu, *Tehsil* Tosham, District Bhiwani regarding embezzlement of bank accounts carried out by accused Satpal, who was employed as sweeper but his services were utilized to operate the computer. As per allegations, Satpal withdrew amount from accounts of various account-holders and transferred the same in bank accounts of his relatives.

Learned State counsel submits that though petitioners are not named in FIR but their connivance with Satpal and other accused is

reflected from the fact that withdrawal forms, on the basis of which

payments were withdrawn, were verified by petitioner no. 1-Pankaj, who was posted as Assistant Branch Manager and payments were given by Sombir, who was posted as cashier. Payments, after transfer, were withdrawn through ATM cards by Satpal and as per his disclosure statement he shared the amount, so embezzled, with petitioners.

Petitioners were arrested on 06.10.2016. After completion of investigation, challan has been presented against them on 01.12.2016. Prosecution case is based mainly on documentary evidence.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioners-Pankaj and Sombir are ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) Petitioners shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to petitioners shall stand withdrawn. The trial Court shall be competent to cancel their bail bonds and surety bonds and proceed to procure their presence in accordance with law. In that eventuality petitioners shall have to apply for bail afresh.
- (c) They shall not leave the country without the previous permission of the Court.

February 03, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No