

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

CRM-M-18512-2018 (O&M)

Date of decision: 06.12.2018

Anurag Yadav

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. S. P. S. Sidhu, Advocate
for the petitioner.

Mr. M. S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

CRM-42551-2018

Allowed as prayed for.

Documents are taken on record.

CRM-M-18512-2018

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 153 dated 11.07.2017, registered under Sections 420, 465, 467, 468, 471 and 120B of the IPC at Police Station Zira, District Ferozepur.

As per the allegations in the FIR, the petitioner, while posted as Assistant Manager, Agricultural Advances in State Bank of Patiala, in conspiracy with other co-accused, has opened fictitious KCC limit accounts and thereafter, he had transferred the money in the account of his family members and himself.

Learned counsel for the petitioner further submits that offences are triable by the Court of a Magistrate and the petitioner is in judicial custody since 30.10.2017.

Learned counsel for the petitioner has drawn attention of the Court to the order dated 03.05.2018, vide which, charges were framed against the petitioner and thereafter, the case was fixed for 16.05.2018 for evidence of the prosecution and prosecution witnesses were summoned for that date.

Learned counsel for the petitioner relies upon **2015 (2) R.C.R. (Criminal) 311, Amit Sharma vs. State of Haryana** to submit that as per provisions of Section 437(6) Cr.P.C., if, in any case triable by a Magistrate, the trial of a person accused of any non-bailable offence is not concluded within a period of sixty days from the first date fixed for taking evidence in the case, such person shall, if he is in custody during the whole of the said period, be released on bail to the satisfaction of the Magistrate, unless for reasons to be recorded in writing, the Magistrate otherwise directs and the prosecution having failed to do so and the accused in said case was granted concession of bail.

Learned State counsel, on instructions from ASI Nirmal Singh, submits that the statement of PW-1 Amritpal Singh has been recorded in part and after his examination-in-chief, an application under Section 319 Cr.P.C. has been moved and, therefore, the case has been adjourned.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid submissions of learned counsel for the parties, the instant

petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail bonds and two heavy sureties to the satisfaction of the trial Court/Duty Magistrate concerned.

December 06, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No