

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

Crl. Misc. No.M-36250 of 2018

Date of Decision:- 27.08.2018

Joginder Singh

....Petitioner

vs.

State of Punjab

....Respondent

BEFORE :- HON'BLE MR. JUSTICE SUDHIR MITTAL

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

Mr. Jasdeep Singh Walia, Sr. DAG, Punjab.

Sudhir Mittal, J. (Oral)

The petitioner seeks regular bail in case FIR No.17 dated 23.3.2018 registered at Police Station Boha, District Mansa, under Section 409 IPC.

The allegation against the petitioner is that he being the Secretary of Ramgarh Shahpuria Cooperative Societies Limited, misappropriated a sum of ₹ 23,62,396.13 p.

Learned counsel for the petitioner submits that the petitioner was arrested on 18.4.2018 and has been in custody since then. Immovable property measuring about 6 acres of land has already been attached by the Assistant Registrar, Cooperative Societies, Budhlada and the said land is available for recovery of the money allegedly misappropriated by him. Moreover, the investigation is complete and, thus, no useful purpose would be served by keeping the petitioner in custody indefinitely.

Learned State counsel submits that there are six private witnesses in this

case and likelihood of the petitioner influencing them cannot be ruled out and, therefore, the petitioner be not released on bail till the time the private witnesses have been examined.

Countering the aforementioned argument of the learned State counsel, learned counsel for the petitioner submits that in case there is any complaint against the petitioner regarding tampering with the witnesses or trying to influence them, his bail be cancelled immediately. He further submits that enquiry was conducted by the official witnesses and even if the private witnesses turn hostile, the petitioner can be convicted on the basis of the evidence produced by the official witnesses.

It is not in dispute that the investigation in this case is complete and that challan has already been presented. It is also not in dispute that the property of the petitioner has been attached by the Assistant Registrar, Cooperative Societies, Budhlada. Thus, no useful purpose would be served by keeping the petitioner in custody indefinitely as the trial may not conclude at an early date.

The petition is allowed and it is directed that the petitioner be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

It is, however, made clear that the prosecution shall be at liberty to seek cancellation of bail of the petitioner in case there is slightest inkling that he is trying to win over the witnesses.

August 27, 2018**poonam****(SUDHIR MITTAL)****JUDGE****Whether Speaking/Reasoned****Yes****Whether Reportable****No**