

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-15768 of 2019

DATE OF DECISION: APRIL 10, 2019

DARSHAN SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. P.S. DHALIWAL, ADVOCATE FOR THE PETITIONER.
MR. HARSIMAR SINGH SITTA, AAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner Darshan Singh has filed this petition seeking regular bail in case FIR No.52 dated 21.05.2018 under Sections 409, 420, 467, 468 and 201 IPC registered at Police Station City Jhunir, Distric Mansa.

The FIR was registered on the basis of an application made by the Assistant Registrar, Co-operative Society, Sardulgarh, which pertains to the alleged embezzlement by Darshan Singh, the then Secretary of the Jhanduke Multipurpose Co-operative Agriculture Service Society Limited, Jhanduke. As per the Resolution passed by the Committee on 11.2.2017, a sum of ₹12,74,748/- was embezzled by the accused. Upon this, an enquiry was conducted wherein a physical verification of stock register allegedly revealed deficiency in stock pertaining to Urea fertilizers; Zinc Fertilizers; refined oil; cattle feed, etc. During enquiry, the defence set up by Darshan Singh was that embezzlement relates to the tenure of earlier Secretary, namely, Gurmail Singh.

Learned counsel for the petitioner contends that the petitioner is in custody since his arrest, i.e. 4.6.2018 and the investigation is complete. According to him, the final report stands filed and the charges have been framed. However, there is no headway in the trial so far.

Learned State counsel has opposed the bail application. However, it is not disputed that the charges were framed on 24.9.2018 and till date no witness has been examined.

Considering the above, the nature of trial which is triable by Magistrate and the same is likely to consume considerable time and the fact that the investigating is complete, further custody of the petitioner may not be justified. Therefore, without commenting anything on the merits of the case, the petitioner is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of Trial Court/Duty Magistrate, Mansa.

The petition is allowed.

April 10, 2019
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No