

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

CRM-M No. 37066 of 2018

Date of decision : 06.02.2019

Parkash Chand

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Ritesh Aggarwal, Advocate and
Mr. Harkirat S. Sakrali, Advocate for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

* * *

DAYA CHAUDHARY, J. (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No. 102 dated 19.04.2016 under Sections 406, 420, 120-B of the Indian Penal Code, 1860, registered at Police Station – Tripri, Distt. Patiala during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case and no specific role has been attributed to him. He is alleged to be working as Director and so many Directors were there in the company. He had submitted his resignation to the Managing Director, which was accepted. The amount was deposited in the account of the company and not in the account of the petitioner and petitioner's signatures were not there on the receipts. Learned counsel also submits that the challan has been presented. The complainant has expired during

pendency of the proceedings and, there is no possibility that the petitioner may influence the prosecution witnesses or tamper with the evidence. Offence is triable by Magistrate. Petitioner is in custody since 02.05.2018. Trial may take some time to conclude and no purpose would be served by keeping the petitioner in custody.

Learned State counsel has not disputed the custody of the petitioner since 02.05.2018 and also the fact that the petitioner was the Director and not the Managing Director of the company and there are number of Directors. However, she opposed the bail on the ground that huge amount has been embezzled and the amount was collected by the Directors only.

Heard arguments of learned counsel for the parties and have also perused the contents of the FIR and other documents available on record.

By considering the custody of the petitioner since 02.05.2018 and also the fact that the complainant has expired and one more complainant is stated to be there who has become prosecution witness and the trial may take some time to conclude, no purpose would be served by keeping the petitioner in custody. Accordingly, present petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing adequate bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

06.02.2019

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No