

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

CRM-M-5937-2020
Date of decision: 08.05.2020

Dhara Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Rose Gupta, Advocate
for the petitioner.

Mr. H. S. Grewal, Addl. A.G., Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This matter is being taken up for hearing through video conferencing due to outbreak of COVID-19.

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. 165 dated 05.10.2018, registered under Sections 406, 408, 418, 420, 465, 467, 471 and 120-B of the IPC at Police Station City Nawanshahar, District S.B.S. Nagar.

Learned counsel for the petitioner submits that as per the allegations in the FIR, the complainant, which is a finance company, is having different office and the petitioner was employed as a junior staff. The primary allegations in the FIR are that on the verification of poor quality of gold, the same was pledged with the company and in this way, a loan of Rs. 5,35,000/- was obtained.

Learned counsel for the petitioner further submits that the verification is done by various stages by the finance company and the

petitioner is not the only person responsible to ascertain whether the gold is of poor quality or is spurious good.

Learned counsel relies upon some correspondence to submit that even on earlier occasion, a request was made to the higher officials that proper instrument for attesting the quality of gold be provided which was not done.

Learned counsel further submits that petitioner is in judicial custody since 08.01.2020; the investigation is complete; challan stands presented and the petitioner is no more required for any further investigation. It is also submitted that petitioner is not involved in any other case.

Learned State counsel has not disputed the factual position, however, submitted that some other persons are also named in the FIR and they are yet to be arrested.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody since 08.01.2020; the offences are triable by the Court of a Magistrate; as per the allegations, the petitioner is not the sole person responsible for the lapse and also in view of the fact that petitioner is not involved in any other case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety to the satisfaction of the trial Court/Duty Magistrate concerned.

08.05.2020

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*