

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

204/2

CRM-M-8743-2020

DATE OF DECISION: 30.10.2020

SUNIL JAIN

... Petitioner (s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Preetinder Singh Ahluwalia, Advocate and
Mr. Vipul Joshi, Advocate
for the petitioner.

Mr.Dhruv Dayal, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking regular bail in FIR No.33 dated 13.02.2019, under Sections 409, 420, 465, 467 and 471 IPC, registered at Police Station City Sangrur, District Sangrur.

Learned counsel for the petitioner contends that the allegations pertain to the year 2014 to 2016 and the FIR was registered in the year 2019. The allegations are that the petitioner who was working as a Clerk in a Bank had misappropriated the funds. He further contends that the petitioner is being made a scapegoat and no action has been taken against the higher officials. He also contends that three FIRs have been registered against the petitioner on similar allegations and in one of those FIRs, he has been granted bail by the coordinate Bench of this Court in CRM-M-45398 of 2019 on 14.02.2020. He also contends that the wife of the petitioner is suffering from cancer Stage 3 and the petitioner had been granted interim bail on this account twice. The petitioner had surrendered after grant of interim bail and had not misused the concession. He also contends that the petitioner is in custody for over 2 ½ years since his arrest in the first case on 19.02.2018.

Learned State counsel has filed the custody certificate through email which indicates that the petitioner is in custody for over 1 year and 5 months in the instant FIR. He, upon instructions from SI Amrik Singh, contends that there are serious allegations of misappropriation of the Bank money against the petitioner and, therefore, he is not entitled to the concession of regular bail. He also contends that although charges have been framed but none of the prosecution witnesses has been examined.

Heard through video conferencing.

In view of the submissions of the learned counsel for the petitioner, especially when the petitioner has been granted bail in another similar case, he is in custody in the instant case for over 1 year and 5 months and in total, he is in custody for a period of over 2 years and 6 ½ months, his wife is unwell, the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

In the event of the petitioner being released on bail, the petitioner shall appear before the Police Station City Sangrur every alternate Monday till the completion of the trial.

(ANUPINDER SINGH GREWAL)
JUDGE

30.10.2020.

SwarnjitS

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No