

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21879-2020

DATE OF DECISION: AUGUST 24, 2020

N.S. BATH @ NIRMAL SINGH

...PETITIONER

VERSUS

CENTRAL BUREAU OF INVESTIGATION

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. GAURAV SHARMA, ADVOCATE FOR THE
PETITIONER.

MR. SUMEET GOEL, ADVOCATE FOR THE RESPONDENT-CBI.

MANOJ BAJAJ, J.(ORAL)

Petitioner N.S.Bath @ Nirmal Singh has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR RC No.12/1987-CHG dated 28.5.1987 under Section 420, 468, 467, 471 IPC and Section 5(1)(d) read with Section 5(2) of the Prevention of Corruption Act, 1947, Police Station SPE, Chandigarh.

The FIR was registered by the CBI with the allegations that the petitioner while posted as Manager of United Commercial Bank, Lasuri, District Jalandhar during the year 1981-82 entered into a criminal conspiracy with M/s Saini Agro Industrial Corporation, Jalandhar and M/s Swastik Agro Industrial Corporation, Jalandhar etc. and advanced tractor and other agricultural equipments loan worth lakhs of rupees in the names of fictitious persons on forged documents, by misusing his official position and thus, misappropriated an amount of Rs.1,40,920/-.

Learned counsel for the petitioner contends that in the

connected case, i.e. FIR RC No.14/90-CHG dated 30.7.1990 under Section 420, 467, 468, 471 IPC and Section 5(1)(d) read with Section 5(2) of the Prevention of Corruption Act, 1947, Police Station SPE, Chandigarh, the petitioner has been released on regular bail vide order dated 14.1.2020 (Annexure P-4). He submits that the total amount involved in the present FIR is Rs.1,40,920/- and considering the advanced age and the ailments suffered by the petitioner, his further custody may not be necessary as the investigation of the case is complete. He prays that the petitioner be released on regular bail during the pendency of the trial.

Mr. Sumeet Goel, appearing on behalf of the CBI has opposed the prayer on the ground that the petitioner remained away from the trial for a long period and therefore, he does not deserve the concession of regular bail. However, it is not disputed by Mr. Goel that in the other case, the petitioner has been released on bail vide order dated 14.1.2020. It is prayed by him that the petitioner be put to the similar conditions by ordering him to deposit Rs.2 lakhs.

At this stage, learned counsel for the petitioner submits that the petitioner was earlier granted the concession of bail vide order dated 14.1.2020 (Annexure P-4) and a cost of Rs.2 lakhs was imposed by this Court, and the said amount was given to the lawyer representing him, however, the needful was not done by him. He has invited the attention of the Court to the disciplinary proceedings initiated against the said Advocate through complaint filed by him before the Bar Council of Punjab and Haryana. He states that through communication dated 28.7.2020 (Annexure

P-7), the comments of the said lawyer have been invited .

Considering the above background, the custody of the petitioner who is of advanced age, this Court does not find any reason to decline the concession of regular bail, particularly in the wake of outbreak of global pandemic, namely, COVID-19 in the region as certain restrictions have been imposed by State Government and District Administration in order to curb its spread, and it may delay the trial as well, therefore, his further custody may not be justified. The petitioner is presently confined in judicial custody and is not required for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

August 24, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No