

In virtual Court

CRM-M-41656-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41656-2020 (O&M)
Date of decision: 17.12.2020

Nirmal Bhardwaj

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Shubham Kaushik, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

Mr. J.S. Thind, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.641 dated 07.07.2017 under Section 406 IPC, registered at Police Station City Hisar.

Learned counsel for the petitioner submits that as per allegations in the FIR, Parmod Bhardwaj, husband of the petitioner and co-accused Rakesh Kumar had set up a co-operative society namely The Hisar Friends Cooperative Non-agriculture Thrift & Credit Society, in which the petitioner and co-accused Indu Singla were one of the directors. It is further submitted that husband of the petitioner Parmod Bhardwaj as well as co-accused Rakesh Kumar have already been granted the concession of regular bail, by passing the following order: -

“...Allegations are similar in nature. As per case of the prosecution, petitioners were working in Urban Cooperative Bank, Hisar and they had floated Hisar Friends Cooperative N.A.T.C. Society Limited. Certain depositors deposited the amount in the society which was further given as loan on higher rate of interest. Allegations are that amount of Rs.8,42,00,000/- approximately, has not been repaid to the depositors.

Learned counsel for the State submits that amount of Rs.33,00,000/- has been refunded.

Investigations are complete. Final report qua petitioners has been submitted. Petitioners are in custody from November, 2018. Thus, all the petitioners are in custody for the last 11 months approximately.

On a pointed question, learned counsel for the State admits that there are no allegations of siphoning or embezzlement of funds.

Learned counsel for the petitioners submits that because of non-recovery of the loans, the Society fell in financial crunch resulting in failure to repay the amount to the depositors. He further submits that property of the accused has already been attached.

Learned counsel for the petitioners also submits that first date for recording of evidence of the prosecution was 19.08.2019 and in other case, 05.08.2019 and as per Section 437(6) of

Cr.P.C., petitioners are entitled to bail as prosecution has failed to conclude its evidence.

Be that as it may. Case is triable by the Magistrate. Petitioners are in custody for 11 months. Their immovable property has already been attached.

In view thereof, the petitioners are directed to be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Accordingly, all the present petitions are allowed.

Learned counsel for the State, however, prays that learned Magistrate be directed to conclude the trial.

Keeping in view the prayer made, learned Magistrate is directed to make sincere efforts to conclude the trial within a period of one year.”

It is further submitted that another co-accused Indu Singla has also been granted the concession of regular bail vide order dated 08.11.2019 passed in CRM-M-46995-2019.

Learned State counsel, assisted by learned counsel for the complainant, has opposed the prayer for bail on the ground that there are serious allegations against the petitioner.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that the petitioner is a lady aged about 55 years and her husband and other co-accused along with main accused have already been granted the concession of regular bail, this

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petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing her bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate, concerned.

[ARVIND SINGH SANGWAN]
JUDGE

17.12.2020
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No