

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

CRM-M-39210 of 2019

DATE OF DECISION :- December 01, 2020

Magwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAN

Present:- Mr. R.S. Bajaj, Advocate for the petitioner.

Mr. J.P. Ratra, DAG, Punjab.

The case has been taken up through Video Conferencing.

This petition for regular bail has been filed by petitioner Magwinder Singh, an accused in F.I.R. No. 58 dated 17.5.2019 registered with Police Station Sultanwind, District Amritsar for offences under Sections 408, 409, 419, 420, 465, 467, 468, 471, 120-B IPC.

Briefly stated the facts of the case as per prosecution story are that complainant Gurdev Singh had approached the police by moving application that applicant accused Magwinder Singh, being Secretary of Cooperative Society of village Sultanwind in connivance with other officials and officers of the bank had opened certain bogus accounts in the name of complainant and several other persons some of them being alive and other dead, all residents of village Sultanwind and has misappropriated huge amount of society under loan waiver scheme by forging the record. It

was further alleged that in order to screen his wrongful action and to save

himself from punishment he concocted story of receiving fire arm injury in order to involve the complainant party in a criminal case. An enquiry into the matter was conducted by the police and the allegations in the complaint were found to have merit.

Formal F.I.R. was registered. Accused-petitioner was arrested in this case on 16.7.2019. On completion of investigation, challan against him is said to have been filed in the Court, though formal charge is yet to be framed in the case. The petitioner had approached the Court of Sessions at Amritsar seeking regular bail. His such application which was assigned to Additional Sessions Judge, Amritsar was, however, dismissed vide order dated 5.9.2019. Feeling aggrieved, he has approached this Court craving for grant of similar relief.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Learned counsel for the petitioner has contended that no financial loss in the matter had been caused to any person and the allegations against the petitioner are to be proved during the trial; he has been in custody for more than one year and the conclusion of trial is likely to take considerable time, as such he be granted regular bail.

Learned State counsel has opposed the petition contending that the allegations against the petitioner are very grave and serious and he does not deserve concession of bail. But keeping in view the totality of circumstances, more particularly the period for which the petitioner has been in custody and the initial stage of the trial, without going into the merits of the case, I find that the petition deserves to be accepted and it is hereby allowed. Petitioner Magwinder Singh is ordered to be released on

bail on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Amritsar subject to the following conditions :-

- (i) He shall appear in the Court on each and every date of hearing.
- (ii) He shall not give any threat or intimidation to the prosecution witnesses.
- (iii) He shall not leave India without prior permission of the Court and shall surrender his Passport, if he has got one, otherwise to furnish affidavit in that regard.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

(H.S. MADAAN)
JUDGE

December 01, 2020

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No