

223 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53267-2019
Date of decision-10.01.2020

Rajinder Singh

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. S.S.Thakur, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Mr. Harmanpreet Singh Sehgal, Advocate for the complainant.

MANOJ BAJAJ, J.

Petitioner-Rajinder Singh has prayed for grant of regular bail under Section 439 Cr.P.C read with Section 167 (2) (a) (ii) Cr.P.C in case FIR No.147 dated 26.09.2019 registered under Section 409 of Indian Penal Code, 1860 at Police Station Gidderbaha, District Sri Muktsar Sahib. The petitioner is in custody since his arrest on 30.09.2019.

The present FIR was lodged on the application moved by Assistant Registrar Cooperative Society, Gidderbaha wherein it was alleged that Rajinder Singh (present petitioner) who was working as Secretary of the Society has misappropriated Rs.29,87,203/- during his tenure. On these allegations, FIR was registered.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and has been indicted on the

disclosure statement of Sukhdeep Singh, who is presently working as Secretary of the Society. He further submits that the half of the alleged embezzled amount has already been paid by the petitioner. According to him, the offences are triable by Magistrate and investigation of the case is complete, therefore, further custody of the petitioner may not be necessary.

On the other hand, learned counsel for the complainant and learned State counsel assisted by ASI Jaskaran Singh opposed the prayer. However, it is not disputed that investigation of the case is complete. She has apprised the Court that challan stands filed on 26.12.2019 and case is fixed for 16.01.2020 for framing of charge before the trial Court.

After hearing learned counsel for the parties, this Court is of the opinion that offences are triable by Magistrate and trial of the case is likely to consume considerable time, therefore, further custody of the petitioner may not be justified. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

10.01.2020

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**(MANOJ BAJAJ)
JUDGE**

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No