

Date of Decision: 18.01.2021

.....*Petitioner*

.....Respondent

Learned counsel for the petitioner contends that a perusal of the FIR in question reveals that the petitioner has been falsely implicated in the case in hand on the basis of totally exaggerated allegations. In fact, there was no complaint ever made since 31.10.2001 when the money was initially deposited with the Co-operative Society in which the petitioner was the Secretary and it was only in 2019 i.e. after 18 years that FIR in question was registered against the petitioner when there was some delay in the repayment of the amount to the depositors. It has been submitted that prior to the

registration of the FIR in question, the complainant had been regularly receiving the interest amount as had been decided between the petitioner and the complainant which for reasons but obvious had been concealed by the complainant. It has further been submitted that the petitioner has been in custody since 17.12.2019 and the trial is unlikely to conclude in the near future as only challan has been presented till date and the offences are triable by the Magistrate.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from SI Suresh Pal, has submitted that the supplementary challan has been presented on 23.07.2020 before the trial Court and charges are likely to be framed on the next date of hearing. He further submits that there are some more FIRs registered against the petitioner pertaining to the same Co-operative Society of which he was the Secretary.

Heard.

In view of the submissions made by learned counsel for the petitioner and the fact that the petitioner has been in custody since 17.12.2019, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic COVID-19. The present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

January 18, 2021

Ess Kay

**[MANJARI NEHRU KAUL]
JUDGE**

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>