

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

CRM-M-1506 of 2021

DECIDED ON: 18th JANUARY, 2021

Gurtej Singh

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. P.S. Sekhon, Advocate for petitioner.

Ms. Samina Dhir, DAG, Punjab.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

The petitioner is before this Court for regular bail in case FIR No. 180 dated 10.10.2020 under Sections 406, 420 IPC 1860 (Section 409 IPC deleted), registered at Police Station Bareta District Mansa.

The facts in narrow compass are that FIR was registered at instance of letter issued by office of Assistant Registrar Co-operative Societies Budhlada. It was alleged that the petitioner misappropriated Rs.22,39,359/-. Thereafter inquiry was conducted and documents were collected. As per the case of the State, petitioner had got sanctioned loan in the name of others and not deposited the amount in the society. There was shortage of stock in the year 2017-18. When he was Secretary in the society he never permitted accounts to be audited. He sold the pesticides and kept money with him.

Learned counsel for the petitioner submits that some of the allegations including shortage of stock is of year 2017-18 whereas the FIR was registered in 2020. He further argues that investigation is complete and petitioner is in custody since October 2020. The contention is that the petitioner has now retired and no recovery is to be effected.

Learned State counsel on instructions from SI Bhagwan Dass submits that the petitioner is involved in two other cases; the allegations are serious and opposes the prayer for bail.

Considering the facts that the petitioner is in custody since October, 2020; he has since retired; no recovery is to be made; investigation is complete and conclusion of trial is likely to take time, the petitioner is granted bail subject to his furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

18th JANUARY, 2021

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**(AVNEESH JHINGAN)
JUDGE**

Whether speaking/reasoned *Yes*

Whether reportable *Yes*