

216

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

**CRM-M No.10560 of 2021(O&M)
Date of Decision: 16.03.2021**

Chamkaur Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. A.S. Rai, Advocate
for the petitioner.

Mr. Sarabjit Singh, AAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

CRM No.7526 of 2021

For the reasons mentioned in the application, the same is allowed.

Accompanying document is taken on record.

Main case

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.83 dated 14.09.2020 registered under Sections 420, 406, 408, 409 and 201 IPC at Police

Station Dharamgarh, District Sangrur.

Prayer for anticipatory bail was declined by this Court vide order dated 14.10.2020 passed in CRM-M No.32526 of 2020. Thereafter, the petitioner surrendered before the trial Court on 21.10.2020. Police remand of 5 days was obtained by the police, but no recovery was effected. Petitioner was sent to judicial custody on 26.10.2020.

As per allegations, the petitioner is alleged to have embezzled an amount of Rs.19,99,482/- of the society after receiving the same from different persons who had paid the amount against the loan obtained by them from the society. The loanee namely Baljinder Singh (MT loan), Amrik Singh (MT and ST loan), Bant Singh (ST loan), Gurlal Singh (ST loan), Shamsheer Singh (MT and ST loan) and Amar Nath (ST loan), contributed the said amount towards their loan. Petitioner by not depositing the amount in the account of the society despite issuance of redemption certificate regarding redemption of the land of aforesaid loanee, has misappropriated the amount.

Learned counsel for the petitioner submitted that the challan was presented on 15.01.2021. Now 22.03.2021 is the date fixed before the trial Court for framing of charge. Petitioner is in custody since 21.10.2020. Offence is triable by the Magistrate.

The factual details of the case could not be disputed by learned State counsel on instructions from ASI Malkit Singh, however, he opposed the bail on the ground that the petitioner has misappropriated huge amount of the society by issuing redemption certificate in respect of loan availed by different persons, but he did not deposit the amount in the account of the society.

The offence is triable by the Magistrate. Challan has already been presented and petitioner is in custody since 21.10.2020, therefore, I deem it appropriate to enlarge the petitioner on regular bail without advertng to the merits of the case.

In view of above, petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

March 16, 2021
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No