

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

209

**CRM-M-10669-2021(O&M)
Decided on : 28.04.2021**

MOHINDER SINGH ALIAS BILLU

. . . Petitioner(s)

Versus

THE STATE OF PUNJAB

. . . Respondent(s)

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL
(Through Video Conferencing)**

PRESENT: Mr. APS Deol, Sr. Advocate with Mr. Vishal Lamba, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG Punjab
assisted by SI Baljinder Singh.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.97, dated 18.10.2019 under Sections 406, 409, 420, 465, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 and Section 13(2) of Prevention of Corruption Act, 1988 registered at Police Station Khamano, District Fatehgarh Sahib.

Learned Senior counsel contends that the petitioner is innocent and has been falsely arrayed as an accused on allegations of embezzling an amount of approximately Rs.60.00 Lakhs in collusion with co-accused by wrongly assessing the share of the land of the complainant at the time of acquisition by NHAI with a view to claim enhanced compensation. It has been contended that in fact it was co-accused Jaswinder Singh, Patwari who misappropriated the enhanced compensation by playing a fraud upon the petitioner by using his bank account and thereafter routed the amount to

himself through cheques etc. The senior counsel further submits that the entire case of the prosecution is based upon documentary evidence which is already in the custody of the investigation agency. Hence, the petitioner may be extended the concession of bail as he has been in custody since 24.11.2020 and is no longer required for further investigation. This Court has also been apprised that the co-accused including the main accused have already been admitted to bail by the Court below.

Per contra, learned State counsel while opposing the prayer and submissions made by the learned Senior counsel for the petitioner on instructions from SI Baljinder Singh has submitted that there are serious allegations levelled against the petitioner and co-accused of siphoning off huge amount of money and thus causing loss to the State exchequer to the tune of Rs. 62 lakhs (approx.). However, the learned State counsel has not been able to controvert the fact that it is a case primarily based on documentary evidence and the final report under Section 173 Cr.P.C., already stands presented before the trial Court. Learned State counsel has also verified that co-accused including the main accused Jaswinder Singh have been released on bail by the trial Court.

Heard.

Considering the nature of the allegations, which admittedly are based on documentary evidence, this Court deems it a fit case for grant of the concession of regular bail to the petitioner as there is no likelihood of the trial concluding any time in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of 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.

(MANJARI NEHRU KAUL)
JUDGE

April 28, 2021
S.Sharma(syr)

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*