

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

**CRM-M No.29481 of 2021  
Date of Decision :10.08.2021**

**Avtar Singh @ Harry @ Romi**

**.....Petitioner**

**Versus**

**State of Punjab**

**..... Respondent**

**CORAM: HON'BLE MR.JUSTICE ARUN PALLI, JUDGE**

Present : Mr.Jatinderpal Singh, Advocate for the petitioner.

Mr. H.S.Multani, AAG, Punjab.

(The aforesaid presence is being recorded through video conferencing  
since the proceedings are being conducted in virtual Court)

**ARUN PALLI, J. (Oral):**

The petitioner, vide this petition under Section 439 of Cr.P.C.  
prays for a regular bail in FIR No.54 dated 28.04.2014, under Sections 408  
and 420 of IPC, registered at Police Station Canal Colony, Bathinda.

In brief, the case of the prosecution is that in the year 2014, the  
petitioner was employed at Gentors Resort Pvt. Ltd, Mansa Road, Bathinda  
to serve tea/water and for cleaning the office. He was on a half day leave  
post lunch on 27.04.2014, for, he was to go his village Joga. As per the  
statement of the Lakhvir Singh, Security Guard, petitioner came back at  
about 8.30 P.M., and opened the office and remained there for one and half  
to two hours. And, when the complainant Kartar Singh (General Manager)  
came to the office the next morning he found that Rs.5,43,000/- which were  
kept in the almirah were missing.

Learned counsel for the petitioner submits that a bare analysis of the case of the prosecution reveals that implication of the petitioner is false. Even as per the allegations set out in the FIR no offence under Sections 408 and 420 of IPC is even remotely made out. For, at no stage the alleged amount was entrusted to the petitioner and even the element of deception is completely missing to attract the provision of Section 420 IPC. It is urged that the FIR was registered as back as on 28.04.2014 and the petitioner had been residing in Mumbai much prior thereto. Further, even the proceedings that led to the order dated 13.10.2017 declaring the petitioner as proclaimed person are apparently erroneous. And, the petitioner is in custody since 17.03.2021.

On being pointedly asked, learned State counsel submits that although the challan has been presented on 29.04.2021 but the charges are yet to be framed.

In the wake of the position as set out above, prima facie it appears that offence under Sections 408 and 420 IPC is not made out. Further, for, charges are yet to be framed there is a remote possibility of the trial being concluded in the immediate future. Petitioner has already suffered incarceration for almost 4 months and 23 days.

In the wake of the above, this Court considers it appropriate to enlarge the petitioner on regular bail.

Accordingly, the petition is allowed. The petitioner is ordered to be released on bail subject to furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate. Nothing

expressed hereinabove shall constitute an expression of any opinion on the merits of the case of either parties.

(ARUN PALLI)  
JUDGE

10.08.2021  
*Manoj Bhutani*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |