

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(211)

CRM No. M-40802-2021

Date of Decision : 04.10.2021

Gurbaj Singh

....Petitioner

Versus

State of Haryana

.....Respondent

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Deepak Singh Saini, Advocate for the petitioner.

Mr. Karan Garg, Assistant Advocate General, Haryana.

Mr. Ripudaman Sidhu, Advocate for the complainant.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 80, dated 19.03.2021, registered under Sections 420, 403, 406, 506, 467, 468, 471 IPC at Police Station Chhappar, District Yamuna Nagar.

Learned counsel for the petitioner argues that present is a dispute between Local Management and the Haryana Sikh Gurdwara Management Committee for managing a particular Gurdwara Sahib and the allegations, which have been alleged against the petitioner, are only to keep him out of the managerial position of the said Gurdwara Sahib. Learned counsel for the petitioner submits that petitioner is behind the bars for the last more than two months and nothing incriminating has been recovered from him and as the trial is likely to take some time before it concludes, no

useful purpose will be served by keeping the petitioner behind the bars any further.

Notice of motion.

Mr. Karan Garg, learned Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State. Mr. Ripudaman Sidhu, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of the complainant.

Learned State counsel submits that though no money has been recovered from the petitioner but certain bills of the amount spent by the petitioner while managing the said Gurdwara Sahib, have been recovered. Learned State counsel submits that the investigation is still under progress and the challan is yet to be presented.

Learned counsel for the complainant argues that the petitioner while managing the said Gurdwara Sahib, has embezzled some amount and the said money is yet to be recovered from him and, therefore, petitioner be declined the benefit of regular bail.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The allegation against the petitioner is only qua the mismanagement of Gurdwara Sahib, wherein, the allegation of embezzlement has been alleged against him. Those allegations are yet to be proved in the Court of Law. As of now, nothing has been brought to the notice of this Court that any money has been recovered from him except the certain bills.

That being so, no useful purpose will be served keeping the petitioner behind the bars, especially, when the petitioner is a 65 years old man and

also keeping in view the undertaking given by the petitioner that in case he is granted the benefit of regular bail, he will not influence the trial or the witnesses in any manner and will maintain good conduct. In case of default of the undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

The petitioner is directed to be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

October 04, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No