

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

**CRM-M No.42301 of 2020 (O&M)
Decided on: 05.10.2021**

Sajjan Singh Punia

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Karunesh Kaushal, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this 2nd petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.541 dated 19.06.2014, for offence punishable under Sections 420, 406, 467, 468, 471, 120-B of the Indian Penal Code (in short 'IPC'), Sections 4/5/6 of the Chit Fund Act, 1982 and Section 3(h) of the Haryana Protection of Interest of Depositors (in Financial Establishment) Act, 2013, registered at Police Station Hisar City, District Hisar.

The earlier one was dismissed as withdrawn on 28.08.2020.

Counsel for the petitioner has submitted that the new ground for filing this petition is that the petitioner is in custody for a period of about 02 years, 10 months and 13 days and out of 96 PWs, none has been examined so far; the offences are triable by the Court of

Magistrate and therefore, he is entitled to bail under Section 437(6) Cr.P.C.

Counsel for the petitioner has argued that as per the allegations in the FIR, the petitioner along with the co-accused formed some companies and allured the investors to deposit the money in the company with a promise to given returns with high rate of interest and in that manner, he has embezzled around 300 crores of rupees.

Counsel for the petitioner has further submitted that though the petitioner was involved in number of other FIRs arising out of the same company and he has been released on bail in almost all the FIRs some of the orders have been attached with this petition.

Counsel for the petitioner has also submitted that it will be a matter of trial whether the petitioner was one of the Director of the company or a mere employee.

Counsel for the State has not disputed the factual position but opposed the prayer for bail.

Counsel for the State, on instructions from ASI Sandeep and on the basis of the affidavit of the Assistant Superintendent of Police, Hisar and Custody Certificate, has not disputed the fact that the petitioner is in custody for the last 02 years, 10 months and 13 days and out of 96 PWs, none has been examined so far.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 02 years, 10 months and 13 days; no PW has been examined so far; the offences are triable by the Court of Magistrate and the trial has not been concluded within the specified time prescribed under Section 437(6)

Cr.P.C. and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail bonds and 02 heavy sureties (01 surety should be a local surety) to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

05.10.2021

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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No