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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-2723-2022(O&M)

Date of Decision: 19th April, 2022

Avtar Singh and others

Petitioners

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Gautam Dutt, Advocate for the applicant/petitioners.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

Mr. Ashok Kumar Arora, Senior Penal Counsel for UOI.

AVNEESH JHINGAN, J (Oral):

1. This petition is filed by three Doctors for grant of regular bail in FIR No. 199, dated 9th December, 2021, under Sections 420, 467, 468, 471, 120B read with Section 34 IPC of 1860, registered at Police Station Shahpurkandi, District Pathankot.

2. As per the allegations in the FIR accused inconnivance with hospitals empaneled for Ex-servicemen Contributory Health Scheme (ECHS) embezzled the funds. As per the quantification, a loss of Rs. 3,36,85,487/- was caused.

3. Learned counsel for the petitioners submits that petitioners are in custody since 23rd December, 2021, investigation is complete and challan stands presented. The contention is that amount of more than Rs.5.5 crore is due towards the Board and yet in order to establish the bonafide, the

petitioners have deposited Rs.1,00,000,00/- with the trial court subject to the outcome of the trial.

4. Learned State counsel opposes the prayer for grant of regular bail and submits that the public money was siphoned off by forging the documents.

5. Mr. Ashok Kumar, Senior Penal Counsel appears on behalf of UOI and submits that it is a case of forging the documents and the amount to be utilized for Ex-servicemen was misutilized by the empaneled hospitals in-connivance with the petitioners.

6. The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

7. The petitioners are in custody since December, 2021 and investigation is complete. To establish the *bonafides*, they have deposited rupees one crore and more than Rs.5.5 crore is due to hospitals and doctors is with the Board. The case is primarily based upon documentary evidence. No further recovery is to be made from the petitioners. Petitioners have no criminal antecedents. No useful purpose would be served by depriving personal liberty of the petitioners. Petitioners are granted regular bail, subject to their furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

8. The petition is allowed.

9. The amount deposited with the trial Court would be subject to the outcome of the trial. The amount would be kept in FDR in a nationalized bank during the pendency of the trial.

10. Since the main case is decided, pending applications if any rendered infructuous.

[AVNEESH JHINGAN]
JUDGE

19th April, 2022
Parveen Sharma

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No