

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

CRM-M-16765 of 2022 (O&M)

DECIDED ON: 8th July, 2022

Abhinandan Thakur

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Sanjeev Manhas, Advocate for petitioner.

Mr. Sandeep Kumar, DAG Punjab.

AVNEESH JHINGAN, J (ORAL)

Bail is sought by petitioner in case of FIR No. 199 dated 9.12.2021, under Sections 420, 467, 468, 471, 120-B, 34 IPC, registered at Police Station Shahpurkandi, District Pathankot, on the basis of parity with co-accused Puneet Mahajan and others, who were granted bail by this Court on 19.4.2022, by passing the following orders:

"This petition is filed by the employees of Amandeep Hospital, Pathankot for grant of regular bail to the petitioners in case FIR No. 199, dated 9th December, 2021, under Sections 420, 467, 468, 471, 120B read with Section 34 IPC, 1860, registered at Police Station Shahpurkandi, District Pathankot.

2. As per the allegations in the FIR accused inconnivance with doctors and 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 were employees of the hospital and they were not the actual beneficiaries. It is submitted that the doctors have already deposited rupees one crore and more than Rs. 5.5 crore for the hospital and the doctors is due from the Board. Investigation qua the petitioners is complete and challan stands presented.

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

5. Mr. Ashok Kumar, Senior Penal counsel appears on behalf of UOI and opposes the prayer for grant of regular bail and submits that documents were forged and the petitioners had actively participated.

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 have no criminal antecedents. Albeit the investigation is complete but conclusion of the trial is likely to take time and co-accused were granted bail by this court, petitioners are granted bail subject to their furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. The petition is allowed."

Learned State counsel opposes the prayer for bail but on instruction is not able to distinguish parity of petitioner viz-a-viz co-accused so far as grant of bail is concerned.

Without commenting upon the merits of the case and on the basis of parity of petitioner with co-accused, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

Since the main case has been decided, the pending application, if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

8th July, 2022
reema

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>