

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

**227**

**CRM-M-23657-2022**

**Date of Decision: 29.07.2022**

Nitin Sharma

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present: Mr. Vaibhav Narang, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab,  
assisted by ASI Jaswinder Singh.

**GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.0290 dated 11.11.2019 at Police Station Civil Lines, District Amritsar, under Sections 420/406/380 IPC.
2. The FIR in question was lodged at the instance of Dinesh Midha, wherein it is alleged that the petitioner and his brother were employed in the agency being run by the complainant i.e. M/s City Enterprises, Amritsar and had been entrusted with the task of recovery of loan amounts of the bank. It is alleged that the petitioner and his brother collected the amounts from the loanees but did not account for the same and thus usurped the amounts collected from such persons towards repayment of loans. It is alleged that an amount of about Rs.25 Lakhs had

been misappropriated and when the accused were confronted, they had issued 17 cheques but upon presentation of 5 such cheques, the same were dishonoured.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in fact it is a case where at best the petitioner's brother, namely Pankaj Sharma could be held responsible, as it is Pankaj, who while admitting his liability had issued cheques for return of the amount in question, which are stated to have been dishonoured.
4. Opposing the petition, learned State counsel has submitted that the complicity of the petitioner is clearly evident from the fact that huge amount to the tune of Rs.20 lakhs was credited in his bank account during the period from 25.01.2018 to 25.05.2019 apart from the amount deposited as salary. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 5 months and is not stated to be involved in any other case. It has also been informed that charges are yet to be framed and as many as 28 PWs have been cited.
5. I have considered rival submissions addressed before this Court.
6. Without commenting anything as regards the merits of the case, but while noticing that the petitioner has been behind bars for a substantial period of about 5 months and has a clean record and that the conclusion of trial will take some time inasmuch as the

trial has not even commenced till date, further detention of the petitioner will not serve any useful purpose as the. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

29.07.2022  
Riya

(GURVINDER SINGH GILL)  
JUDGE

Whether speaking/reasoned:  
Whether reportable:

Yes/No  
Yes/No