

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-30692-2021 (O&M)
Date of Decision:- 31.5.2022

Gurmukh Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Arshdeep Singh Brar, Advocate, for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab,
assisted by ASI Jagsir Singh.

GURVINDER SINGH GILL, J. (Oral)

CRM-18742-2022

In view of the reasons mentioned in the application, the same is allowed as prayed for and Annexure A-1 is taken on record subject to all exceptions.

CRM-M-30692-2021 (O&M)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.3, dated 2.1.2021, Police Station City South, District Moga, under Section 408 IPC.
2. The FIR was lodged at the instance of Inspector Ravnit Singh, Cooperative Societies, Charik, wherein it has been alleged that

petitioner-Gurmukh Singh who was working as salesman in Charik Multipurpose Agricultural Service Society Ltd. Charik, by misusing his powers had embezzled 3482 bags of Urea and 202 bags of D.A.P. Fertilizer, total valued an amount of Rs.11,61,994/-.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that it is a case where there was duplicity of entries in the record. It has further been submitted that no audit of stocks was ever conducted before proceeding against the petitioner though the same was required to be conducted. Learned counsel has submitted that in any case as per his offer made on 29.4.2022, he has already deposited an amount of Rs.3 lakhs before the trial Court in order to prove his bonafides. Learned counsel in this regard has referred to the receipt placed on record today as Annexure A-1.
4. On the other hand, learned State counsel has submitted that since there are specific and categoric allegations against the petitioner to the effect that he had embezzled 3482 bags of Urea and 202 bags of D.A.P. Fertilizer, no case for grant of bail is made out. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last 1 year 2 months and 20 days and that he also happens to be involved in three other cases which include two cases under Section 138 of Negotiable Instruments Act and one case under Section 408 IPC. It has also been informed that in the present case charges are yet to be framed and that as many as 24 PWs have been cited.

5. I have considered rival submissions addressed before this Court.
6. No doubt there are specific allegations against the petitioner, but given the fact that the petitioner has been behind bars for a substantial period of 1 year 2 months and 20 days and the trial has not even commenced till date and as many as 24 PWs have been cited, further detention of the petitioner will not be justified. 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.
7. As far as the amount of Rs.3 lakhs deposited before the trial Court is concerned, the trial Court/Illaq Magistrate shall get the same invested in some FDR in nationalized Bank with the specific direction to the Bank Manager concerned not to entertain any request for encashment except an order of the Court. In case, the petitioner is found innocent and is acquitted and such acquittal attains finality, he shall be entitled to the proceeds of the FDR. However, in case he is found guilty and his conviction attains finality, it is the complainant who shall be entitled to the proceeds of such FDR.

31.5.2022

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No