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

**CRM-M-29123-2022
Date of Decision: 22.09.2022**

Jasvir Singh @ Jassa

..... Petitioner

Versus

State of Punjab

..... Respondent

CRM-M-22151-2021

Rakesh Kumar Dahiya

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Nand Lal Sammi, Advocate &
Mr. Hitesh Kumar Sammi, Advocate,
for the petitioner (in both cases).

Mr. Gaurav Garg Dhuriwala, Addl. A.G., Punjab.

Mr. S.P. Arora, Advocate &
Mr. Parvez Chaudhary, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (ORAL)

Both petitions have been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioners and are being taken up together for final disposal with the consent of the learned counsel for the petitioners, since both the petitions arise out of the same FIR bearing No.37 dated 18.02.2021, under Section 408, 420, 465, 467, 468, 471, 473, 483 & 120-B IPC and Section 66-D of I.T. Act, 2000, registered at Police

Station Mataur, District SAS Nagar. For the sake of brevity, facts are being taken up from Jasvir Singh's case.

Learned Senior Counsel appearing on behalf of both the petitioners have submitted that the petitioner, namely, Jasvir Singh @ Jassa is in custody since 27.02.2021 and the petitioner, namely, Rakesh Kumar Dahiya is in custody since 18.03.2021, which is more than 1½ years. He further submitted that the investigation of the case has already been completed, and thereafter, the report under Section 173 of the Cr.P.C. has already been submitted before the appropriate Court. He also submitted that thereafter, now charges have been framed but no witness has been examined till date, but both the petitioners have faced incarceration for more than 1½ years. He further submitted that the present case is triable by the Magistrate and as per the allegations also, the entire case is dependent upon the documentary evidence. He also submitted that as per the allegations in the FIR, the petitioner-Jasvir Singh @ Jassa was hired by the complainant for the purpose of looking into account of his family and the allegations were that he had opened the accounts of the complainant and his sons and ultimately he had syphoned away the money to the tune of Rs.4 crores. He further submitted that in fact the petitioner-Jasvir Singh @ Jassa had been doing his work diligently, but thereafter the relations turned sour and allegations of misappropriation were made. He also submitted that so far as the other petitioner, namely, Rakesh Kumar Dahiya is concerned, he was not even named in the FIR and was nominated on the basis of further investigation carried on and has further submitted that both the petitioners are not involved in any other case and have got clean antecedents and

therefore, they may be considered for the grant of regular bail.

On the other hand, Mr. Gaurav Garg Dhuriwala, learned Addl. A.G., Punjab. has submitted that it is correct that both the petitioners are in custody for more than 1½ years and after the completion of investigation, challan has been presented and now the charges have also been framed. He further submitted that firstly, the total embezzlement by the petitioners is amounting to about Rs.4 crores, secondly, all the money has been used by the petitioners for their own use and thirdly, with regard to the brother of Jasvir Singh @ Jassa (Petitioner), namely, Sajjan Bir Singh, look out notice has been issued. He also submitted that the complainant has not examined as of now, and therefore, has opposed the grant of regular bail to both the petitioners.

Mr. S.P. Arora, Advocate with Mr. Parvez Chaudhary, Advocate have caused appearance on behalf of the complainant and have also opposed the grant of bail to both the petitioners.

I have heard the learned counsel for the parties.

In the present case, the petitioners have faced incarceration for more than 1½ years. The present case is triable by the Magistrate. As per the learned counsels for the parties, investigation of the case has already been completed, and thereafter, the charges have also been framed. The allegations are pertaining to financial irregularities and alleged embezzlement by the petitioners. The petitioners are stated to be not involved in any other case. The large part of the case is dependent upon the documentary evidence.

In view of the aforesaid facts and circumstances of the case,

this Court is of the view that since the case is triable by the Magistrate and the petitioners are stated to be having clean antecedents and are not involved in any other case and the allegations were pertaining to financial irregularities, this Court deems it fit and proper to grant bail to both the petitioners, subject to the condition that both the petitioners shall submit their passport, if any, before the learned Trial Court. Thereafter, in the event of requirement of their respective passport in future, they may file appropriate application before the trial Court seeking permission in accordance with law.

Consequently, both the petitions are allowed and both the petitioners are ordered to be released on bail on furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

22.09.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |