

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

CRM-M-50161-2021 (O&M)

Date of decision: 12.10.2022

Sher Singh

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Dr. (Mr.) Anmol Rattan Sidhu, Senior Advocate with
Mr. Pranshul Dhull, Advocate for the petitioner.

Mr. Gagandeep Singh Chhina, AAG Haryana.

Mr. Kuldeep Sheoran, Advocate for respondent No.2.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks for grant of regular bail in case FIR No. 19 dated 22.11.2018, under Sections 406, 418, 420, 467, 468, 471, 477 B, 201 read with Section 120-B of the Indian Penal Code and Section 3 of the Haryana Protection of Interest of Depositors (in Financial Establishments) Act, 2013, registered at Police Station Azad Nagar, District Hisar.

Learned senior counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and he has been in custody since 13.09.2020; that the petitioner have never induced respondent No.2-complainant to invest/deposit the amount in the account of the Society,

rather it was respondent No.2, who himself, deposited the amount with the Society; that the petitioner was only working as a Secretary in the Society; that no amount of the Society was ever misused by the petitioner and that out of 36 prosecution witnesses, only two have been examined so far.

He further submits that co-accused Balwan Singh who was the president of the Society, has already been granted bail by the trial court vide order dated 28.12.2020 and another co-accused Ajay Kumar has also been granted concession of bail by the co-ordinate Bench of this Court vide order dated 06.10.2021. Accounts of the Society and the petitioner, stands frozen by the investigating agency.

Learned State counsel and learned counsel for respondent No.2, while opposing the prayer for bail, submit that the petitioner has misused the amount. As per the status report dated 04.02.2022, an amount of Rs. 2,63,14,061/- was deposited in the account of the Society, during period from 2009 to 2015 and a sum of Rs.2,44,95,223/- was withdrawn by transferring the same in the account of Hotel Paradise and the joint account of the family of the petitioner, on 27.03.2015, as per the FIR the Paradise Hotel is owned by the petitioner. However, learned State counsel does not dispute the custody period of the petitioner. He also submits that out of 36 prosecution witnesses, two have been examined.

Learned counsel for respondent No.2 prays that the petitioner be directed to deposit his passport with the investigating agency.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 13.09.2020. Two co-accused are on bail. Remaining 34 prosecution witnesses, including

respondent No.2, are yet to be examined. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

However, if the petitioner is having a passport, he is directed to deposit the same in the trial Court and if he is not having any passport, he would submit an affidavit to this aspect.

(HARNARESH SINGH GILL)
JUDGE

12.10.2022

Mangal Singh

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No