

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

**229-A**

**CRM-M-53268-2021 (O&M)**

**Date of Decision: 26.04.2022**

SHER SINGH

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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

Present: Mr. Anmol Rattan Sidhu, Senior Advocate with  
Mr. Harlove Singh Rajput, Advocate  
for the petitioner.

Mr. Surender Singh, AAG Haryana.

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

Through this petition, the petitioner seeks regular bail in case bearing FIR No.34 dated 01.02.2019, registered under Sections 406, 420, 467, 468, 471, 201 read with Section 201 IPC and Section 3 of the Haryana Protection of Interest of Depositors (in the Financial establishments), Act, 2013, at Police Station Azad Nagar, District Hisar.

Learned Senior counsel for the petitioner submits this is a 1<sup>st</sup> bail petition and it has inadvertently been mentioned as 2<sup>nd</sup> in the head note of the petition. He further submits that the petitioner has been falsely implicated in the present case, who has been in custody since 13.09.2020. Still further it is submitted that co-accused, namely, 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 Coordinate Bench of this Court on 06.10.2021.

Learned Senior counsel for the petitioner further submits

that, in a Society being run by the petitioner along with the others, in order to get higher return than from the deposits in the Bank, the complainant along with other investors had voluntarily started depositing money since 01.06.2015 and that the petitioner had issued a cheque amounting to Rs.25,00,000/- on 07.08.2018 in favour of Inderawati, which on presentation was bounced and accordingly, a complaint under Section 138 of the Negotiable Instruments Act, 1881, was filed, in which the petitioner was convicted on 01.08.2021. He further submits that no complaint of whatsoever nature was filed since the year 2015; that it was only on 01.02.2019, the present FIR came to the fore with an allegation that the petitioner had embezzled an amount of Rs.42,81,238/- and that the charge of the Society was taken over by the concerned Department and accounts of the Society along with the accounts of the depositors were freezed.

Per contra, while opposing the prayer of grant for regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner is a habitual offender, inasmuch as, 04 more FIRs are registered/pending against him, out of which the petitioner stands acquitted in one and remaining three are under trial. He further submits that the petitioner had allured the complainant and other residents of the Society of higher returns and accordingly, duped them of huge money and that post presentation of the challan, the charges are yet to be framed.

Learned State counsel, while emphasizing on the status report, further submits that a sum of Rs.1,75,72,691/- was transferred from

the petitioner's family joint account to the account of Dayanand Institute of Chaudhariwas, which was also in the name of petitioner and co-accused Balwan Singh and that a sum of Rs.98 lakh is to be recovered from the petitioner/accused persons. He further submits that co-accused, namely, Balwan Singh was the President of the Punia Coop. Non Agriculture Thrift & Credit Society Ltd., whereas the petitioner was the Director/Incharge of the same.

While controverting the aforesaid submission made by the learned State counsel, learned Senior counsel for the petitioner submits that in FIR No.149/2020, a compromise has been effected between the parties; in FIR No.19 dated 22.11.2018, the petitioner is on bail and in FIR No.354 dated 25.12.2012, the petitioner stands acquitted.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 13.09.2020. Co-accused have already been enlarged on bail. Charges are yet to be framed and the prosecution evidence is to commence. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

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

26.04.2022

Aman Jain

(HARNARESH SINGH GILL)  
JUDGE

*Whether speaking/reasoned* : *Yes/No*  
*Whether reportable* : *Yes/No*