

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

215

**CRM-M-48231-2022
Decided on : 21.10.2022**

Tej Singh

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. J. S. Jaidka, Advocate for
Mr. Aman Pal, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to the petitioner –Tej Singh, who has been booked for having committed the offence punishable under Sections 406, 409, 420, 467, 468, 471 and 120-B IPC, in FIR No. 712 dated 30.12.2021, registered at Police Station City Kaithal, District Kaithal.

Learned counsel for the petitioner submits that petitioner was posted as Branch Manager in the Central Bank of India in the area of Timber Market, Kaithal, District Kaithal. Counsel submits that in the period of last six months only, on the basis of same nature of complaints, petitioner has been involved in around 13 similar cases wherein loans were obtained by the persons, fraudulently.

He further submits that petitioner has been falsely involved in the present case as he had a limited role to act upon the report submitted by his subordinates from different quarters. Learned counsel for the petitioner further submits that after investigation of the present case, challan stands presented before the Court and matter in hand is triable by the Court of

learned Magistrate and there is no possibility of early conclusion of the trial. Thus, prays, regular bail for the petitioner.

Per contra, while opposing the prayer made by learned counsel for the petitioner, learned State counsel submits that petitioner is habitual offender, who is found involved in similar nature of cases and while posted as Branch Manager, he has sanctioned loans by fraudulent means. He further submits that as per allegations of prosecution, on sanctioning of loan amount of Rs. 10 lacs, benefit of Rs. 5 lacs has been received by the petitioner.

However, on being asked by the Court, that whether the said amount is recovered or not, State counsel submits that no amount has been recovered from the petitioner, though it is an allegation of the prosecution only.

Upon query, State counsel also informs the Court that involvement of the petitioner in all 13 cases is within a stipulated period of 06 months.

I have considered the submissions of both the sides, and perused the material available on record with their able assistance.

Undoubtedly, role of petitioner is yet to be confirmed after leading of complete evidence of prosecution, which would be more of documentary in nature. It is also not in dispute that all the offences are triable by the Court of learned Magistrate and investigation qua petitioner has already been completed by submitting a report under Section 173 Cr. P.C. and there is no possibility of early conclusion of the trial.

Moreover, nothing is recovered in pursuance to the disclosure statement made after the arrest of petitioner, thus, no purpose would be served by keeping him inside jail. Therefore, I deem it appropriate to enlarge the concession of bail to the petitioner.

In view of the aforementioned facts and circumstances of the case and the submissions recorded hereabove, present petition is **allowed**. Petitioner is ordered to be released on bail in this case, subject to his furnishing bail/surety bonds to the satisfaction of the learned Trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made here-in-above shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of evidence available on record.

Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

October 21, 2022

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No