

216

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

CRM-M-52696-2021 (O&M)

Date of decision : 23.08.2022

Yadvinder Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

Mr. Sukhsandish Singh Chahal, Advocate for
Mr. Keshav Pratap Singh, Advocate for the complainant.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of regular bail to the petitioner in FIR No.106 dated 20.03.2019 registered under Sections 120-B/409/420/467/468/471/477-A/180 of the Indian Penal Code, 1860 at Police Station Azad Nagar Hisar, District Hisar, Haryana.

Learned counsel for the petitioner has submitted that vide order dated 18.05.2022 passed by this Court, the petitioner was granted interim bail and since then, he is on interim bail and the petitioner has not misused the said concession and in the present case, the investigation is complete, charges have been framed and Section 409 of IPC has been deleted. It is further submitted that there are 25 witnesses, out of which, two witnesses have been examined and thus, the conclusion of the trial is likely to take time and the present case is triable by the Magistrate and thus, prays that the

present petition be allowed.

Learned State Counsel as well as counsel for the complainant have opposed the present petition for grant of concession of regular bail to the petitioner and have submitted that the report of the Director, Forensic Science Laboratory, Haryana has now been obtained and as per the same, the signatures on the loan sanction form match with the signatures of the present petitioner. However, the other facts have not been disputed.

Learned counsel for the petitioner, in rebuttal to the abovesaid arguments, has submitted that the petitioner was the Manager of Sarv Haryana Gramin Bank, Hisar and has submitted that even, in case, the allegations levelled in the FIR are taken on its face value, then also, out of an amount of Rs.74,75,000/-, an amount of Rs.50,31,000/- has already been recovered.

This Court has heard the learned counsel for the parties and has perused the paper book.

On 18.05.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner has submitted that the petitioner has been in custody since 02.07.2021 and the challan has been presented and there are 25 prosecution witnesses out of which only two witnesses have been examined and thus, the trial is likely to take time. It is further submitted that as per the challan an amount of Rs.74,75,000/- was embezzled and recovery of an amount of Rs.50,31,000/- has already been effected from the petitioner. It is further submitted that there are eight other accused and thus, the entire liability, even if the prosecution case is taken

on face value, cannot be solely put on the petitioner. It is also stated that the present case is triable by a Magistrate and since the petitioner has been in custody since 02.07.2021, the petitioner deserves the concession of interim bail.

Learned State counsel and learned counsel for the complainant have pointed out that on 10.03.2022 a specific order was passed directing the Director, Forensic Science Laboratory, Haryana to ensure that the FSL report with respect to the comparison of the signatures of the petitioner with the signatures on the document concerned is submitted before the investigating agency well before the next date of hearing. It is further submitted that the complainant is the niece of the petitioner and she has been duped by the petitioner.

Keeping in view the above said facts and circumstances moreso, the fact that the petitioner has been in custody since 02.07.2021 and FSL report has not been submitted till date, the petitioner is released on interim bail subject to his furnishing bail/ surety bonds to the satisfaction of the trial Court till the decision of the present petition.

Adjourned to 23.08.2022.

In the meantime, the Director, Forensic Science Laboratory, Haryana, is directed to comply with the order dated 10.03.2022.”

A perusal of said order would show that the petitioner remained in custody from 02.07.2021 uptill 18.05.2022 (10 months and 17 days) and the challan, in the present case, has already been filed and out of an amount of Rs.74,75,000/- which was stated to have been embezzled, an amount of Rs.50,31,000/- was stated to have already been recovered. There were eight

accused in the present case.

It is not in dispute that after having been granted interim bail, the petitioner has not misused the said concession. The investigation is complete, charges have been framed and Section 409 of IPC has been deleted. Out of 25 witnesses, only two have been examined and thus, the conclusion of the trial is likely to take a long time and the present case is triable by the Magistrate.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the interim order dated 18.05.2022 passed by this Court is made absolute subject to the petitioner furnishing fresh bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate, subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid judgment.

23.08.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No