

**S.No.216**

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

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**CRM-M-54618 of 2021 (O&M)**

**Date of Decision:06.04.2022**

**Jaspreet Singh**

**.....Petitioner**

**Vs.**

**State of Punjab**

**.....Respondent**

**CORAM:- HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. Sapan Dhir, Advocate for the petitioner.  
Mr. Sarabjit Singh Cheema, AAG, Punjab.

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**VIKAS BAHL, J.(Oral)**

This is the second petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 101 dated 21.07.2013 registered under Sections 420, 419, 408 IPC at Police Station Sahnewal, District Ludhiana City.

Learned counsel for the petitioner has submitted that in the present case, the petitioner has been falsely implicated inasmuch as the petitioner was only the account Manager of the Company in question and was never handling cash and thus, the question of embezzling the same does not arise and the cash was being handled by one Renu Sahi who was the cashier working with the Company of the Complainant. It is further submitted that although the petitioner was declared as Proclaimed Offender but he was arrested on 01.09.2021 and since then the petitioner is in custody and the challan has already been presented on 23.11.2021 and charges have been framed on 17.03.2022 and there are 13 witnesses, out of whom, none have been examined. It is also submitted that the case is triable by Magistrate and it is based on documentary evidence and thus, further incarceration of the petitioner is not required. It is further submitted that the

petitioner is not involved in any other case and he has two minor daughters and a wife to take care of. It is also submitted that earlier bail application of the petitioner was withdrawn on 23.11.2021 and, thereafter, more than five months have elapsed and yet no witness has been examined.

Learned State counsel, on the other hand, has opposed the present application for regular bail and has submitted that the petitioner has remained as Proclaimed Offender for several years and as per the allegations in the FIR, there was embezzlement of a sum of Rs.35.50 lakhs by the petitioner.

I have heard learned counsel for the parties and perused the record. It is the case of the petitioner that the petitioner was not handling cash and the same was being handed by one Renu Sahi. The petitioner has been in custody since 01.09.2021 and the challan in the present case has already been filed. There are 13 witnesses, out of whom none has been examined, and thus, the trial is likely to take time. The petitioner is not stated to be involved in any other case and it has also been stated that the petitioner has two minor daughters and a wife to take care of. The case is triable by the Magistrate. The earlier application for regular bail filed by the petitioner was withdrawn at that stage on 23.11.2021 and since then, more than five months have elapsed but no witness has been examined, and, thus the said subsequent fact is a substantial change so as to entitle the petitioner to file a second regular bail application.

Keeping in view the abovesaid facts and circumstances, 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 concerned

trial Court/Duty Magistrate and subject to his not being required in any other case.

However, nothing stated above shall be construed as a final 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.

Pending application, if any, stands disposed of.

April 06, 2022  
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( VIKAS BAHL )  
JUDGE

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|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |