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

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**CRM-M-52304-2022  
Date of Decision: 21.12.2022**

Vishal ..... Petitioner

Versus

State of Punjab ..... Respondent

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present: Mr. D.V. Sharma, Sr. Advocate assisted by  
Mr. Tushar Sharma, Advocate  
for the petitioner.

Mr. Jashandeep Singh, AAG, Punjab.

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**JASGURPREET SINGH PURI, J. (ORAL)**

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.009 dated 29.01.2021, under Sections 409/120-B IPC and later on added offences Sections 408 and 477-A IPC, registered at Police Station Qadian, Police District Batala, District Gurdaspur.

It has been submitted by learned Senior Counsel for the petitioner that the petitioner is in custody since 08.09.2022, which is almost 3 months and 14 days. He further submitted that as per the allegations contained in the FIR, there had been an alleged embezzlement of an amount of Rs.5.5 crores in the Qadian Branch of the Gurdaspur Central Cooperative Bank Ltd. wherein irregularities pertaining to 13 account holders were found pertaining from the period 01.11.2013 to 04.05.2019. He also

submitted that so far as the present petitioner, namely, Vishal is concerned, he was freshly appointed in the year 2012 as a Clerk and he was not aware about the working of the office but there were two other co-accused, namely, Kirtan Singh and Pritpal Singh, who were already working in the office and the allegations were that the aforesaid amount was embezzled and even 'No Objection Certificate' was given to various customers in this regard. He also submitted that the fact as to whether there had been an embezzlement or not, is a question of evidence which can be seen at the time of trial by adducing evidence and the entire record is already with the police and the investigation of the case has already been completed by the police in which the petitioner has fully cooperated and now the report under Section 173 Cr.P.C. has also been presented before the competent Court. He further submitted that the present is a case which is triable by the Magistrate and the trial of the case may take long time. He also submitted that one of the co-accused, namely, Pritpal Singh has already been extended the benefit of regular bail by the learned Sessions Judge and the aforesaid co-accused was the Manager of the bank of the branch and the petitioner is rather at a better footing as compared to him. He further submitted that the petitioner is not a habitual offender and is not involved in any other case and apart from the above, on the basis of the alleged embezzlement, the services of the petitioner have already been terminated by the bank. The learned Senior counsel also submitted that the accounts of the Central Cooperative Banks and its branches thereof, are regularly and annually audited by an Audit Branch of Cooperative Department which consists of the Government officials of the Cooperative Department and the present

branch also annually audited by them for the entire period regarding which the alleged embezzlement had been made but no such irregularity was found and therefore, in view of the aforesaid facts and circumstances, the petitioner may be considered for the grant of regular bail.

On the other hand, Mr. Jashandeep Singh, learned AAG, Punjab has stated that it is correct that the petitioner is in custody since 08.09.2022 and after the completion of investigation, the challan has been presented before the competent Court by the police and the present case is triable by the Magistrate. He further submitted that it is also correct that the petitioner is having clean antecedents and is not involved in any other case and the aforesaid co-accused, namely, Pritpal Singh has been extended the benefit of regular bail by the learned Sessions Court.

I have heard the learned counsel for the parties.

The petitioner is in custody from 3 months and 14 days and the police has already completed the investigation and thereafter, challan has also been presented before the competent Court. The present is a case which is triable by the Magistrate and the other co-accused, namely, Pritpal Singh has already been extended the benefit of regular bail by the learned Sessions Court. Furthermore, it is neither the case of the State nor it has been argued by the learned State counsel that in case the petitioner is released on bail then he may abscond or flee from justice or may influence the witness or may tamper with the evidence.

Therefore, in view of the aforesaid facts and circumstances of the case, this Court deems it fit and proper to grant regular bail to the petitioner. Consequently, the present petition is allowed and the petitioner is

ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

**21.12.2022**

*Bhumika*

**(JASGURPREET SINGH PURI)**  
**JUDGE**

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|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable:        | Yes/No |