IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-3995-2023

Date of Decision: 31.01.2023

Mohinder Lal ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Veneet Sharma, Advocate, for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by Inspector Chamkaur Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.15 dated 29.08.2022 at Police Station Vigilance Bureau, Range Jalandhar, District Jalandhar, under Sections 406, 409, 420, 465, 468, 471, 477-A, 120-B IPC and Sections 13(1)A read with Section 13(2) of the Prevention of Corruption Act.

2. The allegations, in nutshell, are that during the course of checking/audit of Karnana Multipurpose Cooperative Agriculture Society Ltd., Village Karnana, District SBS Nagar, embezzlement to the tune of Rs.7,14,07,596.23 came to notice and it was found that the said embezzlement had been committed by Randhir Singh, Committee Member (Ex. President), Sukhwinder Singh, Vice President, Ravinder Singh, Committee Member, Mohinder Lal, Committee Member

(petitioner), Kanwaljit Singh, Committee Member, Inderjit Dhir (Ex. Secretary) and Harpreet, Cashier. It was found that the accused were maintaining 2 computers, wherein in one of the said computers, the actual entries were being made, but in the other one, false entries were being made and the amount which had been deposited by the loanees/investors was not being recorded and it is the said computer which used to be shown at the time of audit.

3. Learned counsel for the petitioner has submitted that he was merely a Member of the Society and as such, would not have any role in the alleged embezzlement and that it is the then Secretary and the then Cashier, namely, Inderjit Singh and Harpreet Singh respectively, who are the main accused, who had embezzled the amount in question.

4. Opposing the petition, learned State counsel has submitted that the petitioner was very much part & parcel of the entire scam and that he was signatory to several resolutions which had been passed authorizing Inderjit Singh to withdraw the payments, which would clearly show the complicity of the petitioner. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 5 months and that he is not involved in any other case. It has also been informed that charges have been framed, but none out of cited 40 PWs has been examined so far.

5. This Court has considered rival submissions.

6. The petitioner is specifically named in the FIR and during investigation, he is also prima-facie found to be involved in the scam. However, this

Court finds that the petitioner has been behind bars for a substantial period of about 5 months. Though charges have been framed, but none out of cited 40 PWs has been examined till date. Conclusion of trial is likely to consume time. In these circumstances, further detention of the petitioner, who otherwise has a clean record, will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

31.01.2023 **(GURVINDER SINGH GILL)**
Vimal **JUDGE**

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