

CRM-M-7723-2023 (O&M)

106+218 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-7723-2023 (O&M)

Decided on:-23.03.2023

Sandeep Singh

....Petitioner..

vs.

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Munish Kumar, Advocate for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA J.

CRM-13571-2023

Application is allowed as prayed for. Documents (Annexures A-1 and A-2) are taken on record, subject to all just exceptions. Be tagged at appropriate place.

Main case

By way of present petition filed under Section 439 Cr.P.C., the petitioner prays for grant of regular bail during pendency of trial in case FIR No.199 dated 21.11.2022, under Section 408 IPC, registered at Police Station City Nawanshahr, District S.B.S. Nagar.

As per the allegations, the petitioner by impersonating himself as employee of Orient Exchange and Financial Service (P) Ltd. collected foreign currency from different banks and kept it with himself, which were to be deposited in the branch of aforesaid company.

Learned counsel for the petitioner submits that the investigation in the present case already stands concluded with the filing of challan followed by framing of charges and only 04 prosecution witnesses have been examined out of total of 14 as cited by the prosecution, thus, trial is likely to

take some time. He further submits that there is no other case registered against the petitioner and he has been in custody for the last 3 months and 26 days. Moreover, recovery has already been effected from the petitioner, thus, no useful purpose is going to be served by keeping the petitioner behind the bars.

On the other hand, learned State counsel vehemently opposes the prayer made in the present petition on the ground that the petitioner committed the breach of trust and embezzled the amount of the complainant company.

I have heard learned counsel for the parties and gone through the paper book. I find merits in the submissions made on behalf of the petitioner.

Considering the fact that the investigation already stands concluded with the filing of challan followed by framing of charges, only 04 out of total 14 prosecution witnesses have been examined so far, the trial likely to take some time, besides it, no other case registered against the petitioner and recovery already having been effected from him, no useful purpose is going to be served by extending the incarceration of the petitioner any further, who is behind the bars for the last 03 months and 26 days.

In view of the above and without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing bail bonds and surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

23.03.2023

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No