

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANIDGARH

215

CRM-M-11366 of 2022
Date of Decision: 20.02.2023

Shaheen Dhir

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Anil Kumar Garg, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.155 dated 12.06.2021, registered under Sections 408, 420, 120-B IPC (Sections 467, 468 and 471 IPC added later on), at Police Station Division No.6, District Police Commissionerate, Ludhiana.

Learned counsel for the petitioner submits that the petitioner is in custody since 12.10.2021 and he is working as Cashier since March 2020 at Dada Motors and drawing a salary of Rs.17,000/- per month.

Learned counsel for the petitioner has controverted the facts narrated in the FIR on the pretext that an employee drawing salary of Rs.17,000/- on a lower post cannot be presumed to be committed a fraud amounting to Rs.49 lakhs.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the petitioner used to

receive the money and generate the receipts against the amount so received from different customers and then embezzled the same amount instead of depositing them in the account of the firm/company. He has in fact been misappropriating the huge amount of the firm/company and therefore, his guilty of misappropriating and causing wrongful gain comes to the notice of the firm/company. He has also stated that the petitioner do not deserve the concession of regular bail at this stage since the amount of Rs.49 lakhs is yet to be recovered from the petitioner.

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

Keeping in view the above facts and circumstances of the case and the contentions raised by learned counsel for the parties and the fact that the petitioner has been in custody since 26.11.2021 and after filing of challan and framing of charges finally on 08.01.2022 and 31.01.2023 and the recovery of Rs.49 lakhs is expected to be made by the investigating agency and the fact that no prosecution witness has been examined so far and thus, the trial is likely to take time, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Ludhiana.

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 petition.

20.02.2023
D.Bansal

(SANDEEP MOUDGIL)
JUDGE