

CRM-M-11961-2023

-1-

(227) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11961-2023

Date of Decision: 15.03.2023

VINOD KUMAR

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. S.S. Sangwan, Advocate
for the petitioner.

Mr. Neeraj Poswal, Asst. A.G., Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C is for the grant of regular bail in case bearing FIR No.0634 dated 25.10.2022 (Annexure P-1) registered under Sections 420/406 IPC (Sections 201/473 IPC added later on) at Police Station Ambala Cantt.

2. The brief facts of the case are that the Deputy Manager of Axis Bank lodged a complaint with the Investigating Agency stating that since the cashier was on leave, he was assigned duties. On 11.03 AM, a customer namely, Rajbeer Singh came to the Bank and gave a self-cheque amounting to Rs.90,000/-. Due to rush in the Branch, verifications/authorization of the cheque took a few minutes. Meanwhile, he (complainant) gave a cash amount of Rs.90,000/- to the said Rajbeer Singh. Thereafter, the same person withdrew Rs.90,000/- by another cheque number from the timber market branch. When the cheque was being verified, it was found that the person had

CRM-M-11961-2023

-2-

withdrawn a total amount of Rs.1,80,000/-, although he was having only Rs.92,300/- in his account. On being informed telephonically, he assured the Bank that he would return Rs.90,000/- but instead of doing so, he switched off his phone.

Based on the allegations, the present FIR came to be registered.

3. The learned counsel for the petitioner contends that he is not named in the FIR. He has been falsely implicated in the present case. In fact, main accused namely, Rajbeer Singh, the account-holder has not been arrested till date. Since the petitioner was in custody since 13.12.2022 and none of the 13 prosecution witnesses had been examined so far, he was entitled to the grant of bail, moreso, when in the two other cases registered against him, he has been granted the said concession.

4. On the other hand, the learned State counsel contends that the nature of the allegations levelled against the petitioner did not entitle him to the grant of bail. There were two other cases registered against him and therefore, his criminal antecedents also did not entitle him to the concession as prayed for. He however, does not dispute the fact that the petitioner is in custody since 13.12.2022 and none of the 13 prosecution witnesses had been examined so far.

5. I have heard the learned counsel for the parties.

6. The allegations against the petitioner shall be established during the course of Trial. None of the 13 prosecution witnesses have been examined so far and the petitioner is stated to be in custody since 13.12.2022.

CRM-M-11961-2023

-3-

Therefore, the Trial of the present case is not likely to be concluded anytime soon. As such, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Vinod Kumar son of Shri Mam Chand is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

15.03.2023

JITESH

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