

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

240

CRM-M-22332-2023 (O&M)
Date of decision: 31.08.2023

Rajwinder Singh @ Ghona

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Ms. Monika Thakur, Advocate for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG Punjab.

Mr. Nikhil Kumar Vashisht, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

1. The petitioner has filed this second petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 196 dated 04.08.2021 registered under Sections 408, 420, 467, 468, 471, 120-B IPC at Police Station Division No.6, District Ludhiana. The earlier petition was dismissed on 22.08.2022.
2. Status report filed on behalf of the respondent-State is already on record.
3. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the petitioner was working as Field Officer with Indian Security Service, Ludhiana; that chief of 03 prosecution witnesses, out of 25 have been recorded; that the co-accused have already been enlarged on bail; that nothing has been recovered from the petitioner; that the case is based only on the documentary evidence; that non-bailable warrants were issued against all the 03 prosecution witnesses and that the petitioner has been in custody for the last 01 year, 10 months and 14 days.
4. Learned State counsel and learned counsel for the complainant,

while vehemently opposing the prayer for bail, submit that the non-bailable warrants were issued against the three prosecution witnesses, which has been rectified. The petitioner has embezzled an amount of Rs.28,74,602/- and transferred the same in the accounts of his father, wife and son. The petitioner is a habitual offender and is involved in one more case. However, learned State counsel does not dispute the custody period of the petitioner. He submits that the material prosecution witnesses are yet to be examined.

5. I have heard the learned counsel for the parties.
6. Though the allegation against the petitioner is that he has embezzled an amount of Rs.28,74,602/- but the fact remains that the he has been in custody for the last 01 year, 10 months and 14 days and nothing has been recovered from the petitioner. Chief of only 03 prosecution witnesses have been recorded, out of 25. Therefore, the conclusion of the trial would take. Co-accused have already been enlarged on bail Hence, no useful purpose would be served by keeping the petitioner behind the bars.
7. In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

31.08.2023
Mangal Singh

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No