

CRM-M-41761 of 2023

2023:PHHC:158345

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-41761 of 2023

Date of decision: 11.12.2023

Hira Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Ms. Anupam Bhanot, Advocate,
for the petitioner.

Mr. Athar Ahmed, DAG, Punjab.

NAMIT KUMAR, J.

1. This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.169 dated 27.08.2017 under Sections 409 and 120-B IPC, registered at Police Station Sadar Tarn Taran, District Tarn Taran.

2. Brief facts of the case are that Block Development and Panchayat Officer, Naushera Pannua, moved a complaint before the Senior Superintendent of Police, Tarn Taran, against petitioner-Hira Singh, Sarpanch and co-accused Dilbag Singh, Secretary Gram Panchayat, that they had embezzled the pension funds amounting to Rs.9,23,000/- belonging to senior citizens of the village. After enquiry, present FIR was registered against the petitioner and co-accused.

3. Learned counsel for the petitioner submitted that the petitioner is innocent and has been falsely implicated in the present case as he has no role in release or transfer of funds. She further contended that petitioner has

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been roped in the present case due to political rivalry. Learned counsel further submitted that investigation in the present case is complete; challan has been presented; charges have been framed; out of 36 witnesses only 12 have been examined till date and the case is now fixed before the trial Court on 20.12.2023. She further submitted that petitioner is in custody for the last 01 year and 09 months. Trial may take a considerable time to conclude. Learned counsel further submitted that co-accused of the petitioner was granted interim anticipatory bail on 29.03.2022, which has been made absolute vide order dated 12.04.2022 passed by learned Additional Sessions Judge, Tarn Taran. She further submitted that no fruitful purpose would be served by detaining the petitioner behind bars.

4. Per contra, learned State counsel while placing on record custody certificate, opposed the prayer for grant of bail to the petitioner on the ground that allegations against the petitioner are serious in nature as the offence committed by the petitioner is not against the individual rather is against the society at large. He further contended that petitioner is involved in one more case being FIR No.222 dated 21.05.2023 registered under Section 22, 61, 85 of the NDPS Act and Sections 42, 52-A of the Prison Act, registered at Police Station Goindwal Sahib. However, he did not dispute that investigation in the present case is complete; challan has been presented; charges have been framed; out of 36 witnesses only 12 have been examined till date; the case is now fixed before the trial Court on 20.12.2023 and the petitioner is in custody for the last 01 year 09 months and 06 days.

5. Learned counsel for the petitioner submitted that in FIR No.222 dated 21.05.2023 offence under Section 22, 61, 85 of the NDPS Act has

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been deleted by the Court of Sessions Judge, Tarn Taran, vide order dated 27.09.2023.

6. I have heard learned counsel for the parties and perused the record.

7. Keeping in view the custody of the petitioner, which is about 01 year 09 months and 06 days; co-accused has already been granted the concession of anticipatory bail; investigation is complete; challan has been presented; charges have been framed and out of 36 witnesses, 12 prosecution witnesses have been examined and trial is likely to take a considerable time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

8. The petition stands disposed off accordingly.

11.12.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No