

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-6002-2023 in/and
CRM-M- 46496-2022 (O&M)
Date of Decision: 07.02.2023

Malwinder Singh

... Petitioner

V/s.

State of Punjab

... Respondent

CORAM: **HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present : Mr. Baltej Singh Sidhu, Senior Advocate with
Mr. Inderpal Singh, Advocate
for the applicant-petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

DEEPAK MANCHANDA, J.(Oral)

CRM-6002-2023

The instant application has been filed for placing on record the
additional document as Annexure P-8.

For the reasons mentioned therein, the application is allowed.

Document as Annexure P-8 is taken on record subject to all just
exceptions.

CRM-M- 46496-2022

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 162 dated 16.06.2022, under Sections 420, 120-B IPC registered at PS Divn. No. 5, Police Commissionerate Ludhiana, District Ludhiana.

As per the allegations in the aforesaid FIR the petitioner misappropriated the funds of the Co-operative Society namely The BSNL Employees Co-operative T/C Society Limited Ludhiana being member of the Managing Committee in connivance with co-accused Surinderpal Singh, the Secretary of the said Society. It was alleged that the term of the Managing Committee of the said Society ended but the petitioner and the co-accused kept using the accounts of the Society.

Learned counsel for the petitioner contends that the petitioner is in custody since 11.08.2022 and has been falsely implicated in the present case. He further contends that the allegations are baseless as his signatures were taken on blank cheque on 07.02.2021, after which he never signed any cheque. It is further argued that actually the Cooperative Society was constituted for the sole purpose of advancing loan to its members and some of the members namely Rupinder Singh and Harinderpal Singh to the tune of Rs. 1,80,000/- each were advanced loans and even till today the installments of repayment of loan are being deducted from their salaries. Further the copies of their bank statements which are also attached as Annexures P-6 and P-7 shows that cheques issued by the Society for loan

were encashed in their bank accounts only. It is further stated that perusal of the FIR shows that no amount has ever been withdrawn by the petitioner from the account of the Society and there is no allegation or insinuation regarding this in the FIR. Learned counsel also relies upon the Auditor's certificate issued by the Enquiry Inspector, Cooperative Societies, Ludhiana-4 for the Financial Year 2020-21 which reveals that all such accounts are in order. Learned counsel further submits that investigation is complete and the challan stands presented and the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Custody certificate has been filed by the respondent-State, which is taken on record. Even though learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature and he was technically not authorised to operate the accounts of the Society, however, does not dispute the fact that the investigation is complete and challan has been filed.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 13.08.2022.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, since investigation is complete and the challan stands presented and the trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind bars

Resultantly, without meaning any expression of opinion on the

merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

07.02.2023
seema

Whether speaking/reasoned	Yes
Whether Reportable	Yes /No