

CRM-M-49116 of 2022

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

CRM-M-49116 of 2022
Date of decision: 17.02.2023

Amarjit Verma

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. H.S. Oberoi, Advocate,
for the petitioner.

Mr. Jashanpreet Singh, DAG, Punjab.

NAMIT KUMAR, J. (ORAL)

This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.33 dated 10.03.2022 under Sections 409 and 420 IPC, registered at Police Station Anajmandi, District Patiala.

On 24.11.2022 following contention of the learned counsel for the petitioner was recorded by a Co-ordinate Bench of this Court: -

“Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case; that the petitioner was working with the complainant as an Accounts Manager; that as alleged, the petitioner has withdrawn an amount of Rs.8,94,222/- from the CC account of the complainant firm; that the amount has been returned by the petitioner before registration of the FIR; that a Special Investigation Team (SIT) was constituted and during enquiry,

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the employee of the Bank was exonerated; that the petitioner has been in custody since 12.06.2022 and that the challan has been presented.”

Learned counsel for the petitioner contends that the alleged amount of Rs.8,94,222/- has already been returned and the said fact has been admitted by the State in its additional affidavit and the petitioner is in custody since 12.06.2022; challan has been presented; charges have been framed in the present case and out of total 13 prosecution witnesses, none has been examined. He further submits that the offences are triable by the Magistrate and petitioner is not involved in any other case. He further submits that trial may take a considerable time to conclude. Therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

Per contra, learned State counsel while placing on record the custody certificate of the petitioner submits that although the amount has been returned/refunded, however, intention of the petitioner was malicious and dishonest, therefore, petitioner is not entitled for grant of regular bail.

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

Keeping in view the custody of the petitioner, which is about eight months and eight days; investigation is complete; challan has been presented; charges have been framed and out of 13 prosecution witnesses, none has been examined as yet; amount has been returned/refunded by the petitioner; petitioner is not involved in any other case 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

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Magistrate/Trial Court.

The petition stands disposed off accordingly.

17.02.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No