

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-49511-2022

Date of decision : 28.02.2023

Sarwan Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Karanjeet Singh Brar, Advocate
for the petitioner.

Mr.Rohit Ahuja, DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is the second petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.121 dated 07.09.2016 registered under Sections 420, 465, 467, 468, 471, 120-B IPC and Section 66-D of the Information and Technology Act, 2000 at Police Station Guruharsahai, District Ferozepur.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 15.12.2020 and there are 18 witnesses and none of them have been examined and thus, the trial is likely to take time. It is further submitted that the petitioner is not involved in any other case. It is stated that earlier the petitioner had filed regular bail application which was withdrawn on 09.03.2022 and thereafter, inspite of several dates, no witness has been examined and even the complainant has not been examined. It is pointed out that this Court vide order dated 21.12.2022 had

of hearing, then the case of the petitioner would be considered on merits. It is submitted that the investigation in the present case is complete and no useful purpose would be served by keeping the petitioner in further incarceration. It is further submitted that although the allegations with respect to bogus cash entries of huge amount have been levelled in the FIR but even as per the case of the prosecution, the said amount was not withdrawn and only an amount of Rs.49,000/- is alleged to have been withdrawn by the petitioner and transferred into the account of his wife. It is stated that since the entire case is based on the documentary evidence, thus, the said aspect would be considered by the trial Court and on account of the long custody undergone, the petitioner deserves the concession of regular bail.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the petitioner was declared proclaimed offender on 05.07.2017 and was arrested on 15.12.2020. It is further submitted that as per the allegations in the FIR, two bogus cash entries were made by the petitioner in collusion with the other co-accused and the first entry was of Rs.99 crores and the second entry was Rs.49,000/- and it is only on account of timely action that the petitioner along with other co-accused could not withdraw the said amount of Rs.99 crores and could only withdraw Rs.49,000/-.

Keeping in view the above said facts and circumstances moreso, the fact that the petitioner has been in custody since 15.12.2020 and there are 18 witness and none of them have been examined and thus, the trial is likely to take time and the investigation is complete and the challan has been presented and also the fact that even as per the case of the

prosecution, the amount of Rs.99 crores, which was stated to be a bogus cash entry made by the petitioner in collusion with other persons, was not withdrawn and the loss caused to the bank was only of an amount of Rs.49,000/- and also the fact that inspite of several dates, even the complainant has not been examined till and that the petitioner is not involved in any other case, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

February 28, 2023

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No