

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-54952-2022 (O&M)
Date of Decision:-17.5.2023

Harvinder Singh @ Happy ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. S.K. Choudhary, Advocate for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab.

FIR No.	Dated	Police Station	Section/s
02	11.1.2021	Division No.1, District Pathankot	420, 465, 467, 468, 471, 120 -B of Indian Penal Code

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
2. The allegations, in nutshell, are that the petitioner, who was posted as Sales Executive in Bajaj Finance Limited, had committed various irregularities intentionally so as to facilitate advancement of loans to 24 loanees though otherwise they would not have been entitled for the same. The total amount of the loans in question is about Rs.93 lakhs. It is thus alleged that the petitioner in connivance with the aforesaid 23 persons had caused huge loss to the Bajaj Finance Limited and had usurped the said amount.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that there is no evidence worth credence to establish the allegations levelled against the petitioner and that in case the loanees have not returned the loan amount, the petitioner cannot be held responsible for the same.
4. Opposing the petition, learned State counsel submitted that having regard to the manner in which the loans were advanced and the duties which were assigned to the petitioner, his complicity is clearly evident. Learned State counsel has, however, informed that the petitioner has been behind bars since the last more than 11 months and that the petitioner stands involved in 3 other cases including one case for offence under Section 420 of Indian Penal Code. It has been informed that while challan has been presented but charges are yet to be framed and as many as 31 PWs have been cited.
5. This Court has considered the rival submissions addressed before this Court.
6. It is no doubt correct that specific allegations have been levelled against the petitioner for having committed irregularities so as extend undue benefits to the ineligible loanees in the matter of advancement of loans. However, this Court cannot lose sight of the fact that the petitioner has been behind bars for a substantial period of more than 11 months. The trial has not even commenced till date and as many as 31 PWs have been cited. In these circumstances, further detention of the petitioner will not serve any useful purpose as conclusion of trial is certainly going to consume time.

7. The petition, as such, is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

17.5.2023
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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No