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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-55420-2023 (O & M)
Date of decision: 09.11.2023

Lovepreet Singh

.... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Vikas Bishnoi, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioners in case FIR No.195 dated 08.06.2022 under Sections 406, 409 and 420 IPC registered at Police Station City Ratia, District Fatehabad.

2. As per the allegations levelled in the FIR, the petitioner who is employed with the complainant i.e. Bharat Financial Inclusion Ltd. misused his official position and embezzled a total amount of Rs.23,05,124/- by committing breach of trust with the company and fraud with the people. Despite the issuance of a show cause notice to explain his position, the petitioner did not furnish any satisfactory reply.

3. The learned counsel for the petitioner contends that there was no evidence against the petitioner and after an enquiry by the SHO, Police Station Ratida as well as Superintendent of Police, Fatehabad, nothing substantial was found against the petitioner. However, later on the basis of a

criminal complaint filed before the Court, the petitioner had been nominated as an accused. As he was in custody since 12.06.2023, none of the 129 prosecution witnesses had been examined so far and he was a first-time offender, he was entitled to the concession of bail as the case was otherwise triable by the Court of a Magistrate.

4. The learned counsel for the State, on the other hand, contends that the petitioner cheated innocent members/clients of the complainant company thereby embezzling a huge amount of money. The nature of the allegations levelled against the petitioner did not entitle him to the grant of bail. He, however, concedes that the petitioner was a first-time offender, in custody since 12.06.2023, none of the 129 prosecution witnesses had been examined so far and that the case is triable by the Court of a Magistrate.

5. I have heard the learned counsel for the parties.

6. This Court in the case titled as ***Maninder Sharma Vs. State Tax Officer, State, Mobile Wing, Jalandhar, Punjab bearing CRM-M24033-2021(O&M) Decided on 31.08.2022*** has held as under:-

“Therefore, broadly speaking (subject to any statutory restrictions contained in Special Acts) , in economic offences involving the IPC or Special Acts or cases triable by Magistrates once the investigation is complete, final report/complaint filed and the triple test is satisfied then denial of bail must be the exception rather than the rule. However, this would not prevent the Court from granting bail even prior to the completion of investigation if the facts so warrant.”

7. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of trial. The petitioner is a first-time offender, in custody since 12.06.2023, none of the

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triable by the Court of a Magistrate. No serious apprehension has been expressed by the State that the petitioner would abscond from justice, tamper with the evidence or influence witnesses if granted the concession of bail. Therefore, the further incarceration of the petitioner is not required.

8. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Lovepreet Singh, is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. The petitioner shall appear on the first Monday of every month before the local police station till the conclusion of the trial and furnish an affidavit each time that he is not involved in any other case/crime other than the present one.

10. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.

(JASJIT SINGH BEDI)
JUDGE

November 09, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No