

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

300

CRM-M No.2729 of 2024
Date of Decision: 01.02.2024

MOHD. IQBAL SHAHPetitioner

Vs
STATE OF PUNJABRespondent

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Arun Sharma, Advocate
for the petitioner.

Mr. Gurlal Singh Dhillon, Asstt. A.G., Punjab.

HARKESH MANUJA, J. (Oral)

1. By way of present 3rd petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail to the petitioner in case bearing FIR No.109 dated 10.09.2016 registered under Section 409 IPC at P.S. Bhogpur, District Jalandhar.
2. Learned counsel for the petitioner submits that the petitioner has been implicated for the alleged misappropriation of Panchayat funds being the Panchayat Secretary.
3. The prayer made on behalf of the petitioner has been opposed by learned State counsel while submitting that there are two other cases of similar nature wherein the petitioner was involved; in one he stands convicted and in the other one he is on bail.
4. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made by learned counsel for the petitioner.

5. In the present case, the investigation stands concluded with the filing of challan followed by framing of charges. Petitioner is behind the bars for a period of almost 02 years by now. So far as only 01 prosecution witness has been examined out of total 19 witnesses. Moreover as regards, the other two cases in one, the petitioner has already been granted concession of regular whereas in other one, he has already undergone the sentence; besides it, in order to show his *bona fide*, petitioner volunteers to deposit a sum of Rs.3.5 lakhs with the BDPO, Bhogpur, District Jalandhar.

6. Considering the fact that the petitioner has already suffered incarceration for a period of almost 02 years and the trial is likely to take sometime in its culmination, I do not find any justification to extend the incarceration of the petitioner.

7. Accordingly, without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail, who shall deposit of Rs.3.5 lakhs in the shape of Demand Draft in favour of BDPO, Bhogpur, District Jalandhar, with the concerned Trial Court/Duty Magistrate and on furnishing adequate bail bonds and surety bonds to the satisfaction of the Court concerned as offered on his behalf of his own volition only. The said Demand Draft be forwarded to the BDPO, Bhogpur, District Jalandhar by the Court concerned.

February 01, 2024
Atik

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No