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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

DECIDED ON: 14.06.2024

1. CRM-M-11926-2024

JASPAL SINGH

VERSUS

.....PETITIONER

STATE OF PUNJAB AND ORS

.....RESPONDENTS

2. CRM-M-12620-2024

JAIVINDER SINGH NEGI

VERSUS

.....PETITIONER

STATE OF PUNJAB AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL.

Present: Mr. Shushjot Singh Chadha, Advocate
for the petitioner in CRM-M-11926-2024.

Mr. Siddharth Sanwaria, Advocate
for the petitioner in CRM-M-12620-2024.

Mr. Jastej Singh, DAG, Punjab.

Mr. Amit Gupta, Advocate
for respondents No.3 to 6.

VIKRAM AGGARWAL, J (ORAL)

1. This order shall dispose of two petitions, both filed under Section 439 of the Code of Criminal Procedure (for short 'Cr.P.C.') for the grant of regular bail in case FIR No.281 dated 26.12.2023 registered under Sections 409, 420 and 120-B of IPC at Police Station Kharar, District SAS Nagar, Mohali.
2. The petitioners Jaspal Singh and Jaivinder Singh Negi were the Finance Secretary and President respectively of the Residents Welfare Association of one residential society by the name of World-1 Society, Sector 115, Landran Road, Sato Majra, District SAS Nagar.

**CRM-M-11926-2024 and other connected matter****-2-**

3. The allegation is that they had misappropriated Rs.21,00,000/- (approximately) by charging different amounts of maintenance charges from different categories of flat owners.

4. I have heard learned counsel for the parties.

5. Learned counsel for the petitioners have submitted that they have been falsely implicated. Learned counsel further submitted that the petitioners are not previous offenders and have no criminal antecedents and are respectable persons of the society. It has been contended that the petitioners are in custody since 26.12.2023 i.e. from the day the FIR in question was registered; final report under Section 173 Cr.P.C. has already been submitted; no recovery has to be now made from the petitioners; the instant FIR is a counter blast to the FIR registered at the instance of the petitioners against residents of the society who are officers of the police; trial will still take a sufficiently long time and, therefore, no useful purpose would be served by keeping the petitioners in custody any longer.

6. Learned counsel representing the State of Punjab and learned counsel for respondents No.3 to 6 have, on the other hand, opposed the prayer for the grant of regular bail. It has been submitted that the petitioners have criminally misappropriated a huge amount and they had been giving undertakings before the Court of the Additional Sessions Judge, SAS Nagar that they would deposit the embezzled amount but the same was never deposited. Learned counsel submit that if the petitioners are released on bail, they may try to influence and threaten the witnesses and may even abscond.

7. I have considered the submissions made by learned counsel for the parties.



8. The petitioners were the Finance Secretary and President of a Residents Welfare Association. There are allegations of misappropriation of the funds deposited as maintenance charges amounting to Rs.21,00,000/-. Whether the petitioners have actually misappropriated the same or not shall be determined when the trial concludes. They are in custody for the last 05 months and 15 days as per the custody certificate which has been filed in the Court today. Final report under Section 173 Cr.P.C. has already been submitted. The case is largely based on documentary evidence. There are no criminal antecedents of the petitioners. Trial will still take a sufficiently long time and in the considered opinion of this Court, no useful purpose would be served by keeping the petitioners in custody any longer.

In view of the aforementioned facts and circumstances, without expressing any opinion on the merits of the case, the present petitions are allowed. The petitioners are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

14.06.2024
Prince Chawla

(VIKRAM AGGARWAL)
JUDGE

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