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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-19723-2024 (O&M)
Date of Decision:- 16.10.2024

SANJEEV KUMAR

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Navjot Singh, Advocate for the petitioner.

Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J. (ORAL)

1. Short reply dated 15.10.2024 filed in the form of an affidavit of Deputy Superintendent of Police, Sub-Division Sardulgarh, District Mansa, along with custody certificate is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. Arguments heard.
3. The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
101	17.08.2023	420, 465, 468, 471 IPC	Jhunir, District Mansa

4. It is, *inter alia*, contended by learned counsel for the petitioner



that the petitioner is innocent and has been falsely implicated in this case. He submits that the allegation levelled against the petitioner is of having embezzled an amount of ₹9.30 lakhs (approximately) given by the complainant as installments towards premium of his Life Insurance Policy to the petitioner, who was working as LIC agent. He submits that the allegations levelled by the complainant are false and incorrect and the petitioner is in custody since 17.11.2023. He further submits that there is no other criminal case against the petitioner and after the completion of investigation, challan has been presented in the Court. Hence, prayed for grant of concession of bail to the petitioner.

5. *Per contra*, learned State counsel while referring to the short reply submitted by the State has opposed the bail petition and stated that the petitioner has cheated the complainant by not depositing the installments with the LIC Department and had misappropriated an amount of ₹9,30,472/- of the complainant by issuing fake receipts. Hence, prayed for dismissal of the petition.

6. After considering the rival contentions and perusing the record, it transpires that as per the case of the prosecution the complainant had got issued 8 Insurance Policies from the petitioner and the complainant had been depositing the amount through the petitioner but the petitioner allegedly was depositing the amount only against two policies and committed default regarding payment of amount of the remaining 6 policies. Admittedly, the petitioner is in custody since 17.11.2023 and after the completion of investigation, challan has been presented in the Court. The prosecution has



cited 11 witnesses, however, till date only 1 witness has been partly examined. The conclusion of trial to ascertain the criminal liability, if any, of the petitioner, would take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

7. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)
JUDGE

16.10.2024
S.Sharma(syr)

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |