

SAHIL UPPAL

....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent(s)

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

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

Mr. Jai Narian, AAG, Punjab.

KARAMJIT SINGH, J.

1. Prayer in the second petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No. 151 dated 30.06.2022 registered for the offences punishable under Sections 409, 467, 468 and 471 of IPC at Police Station City South, District Moga.
2. The first petition was dismissed as withdrawn vide order dated 10.01.2023(Annexure P-7).
3. The allegations in nutshell are that the petitioner who was working as a Branch Manager in ICICI Bank, Moga issued fake No Objection Certificates in favour of the customers who had already closed their limit accounts and thereby committed fraud worth rupees more than 75 lacs.
4. Counsel for the petitioner submits that the petitioner was falsely implicated in the present case and is in custody since 12.08.2022 and the trial is not progressing ahead and all the offences are triable by the Court of Judicial Magistrate First Class. So prayer is made that
- Petitioner be given benefit of regular bail during the pendency of the trial.

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5. Present petition is resisted by the State Cousnel who submits that the petitioner committed fraud worth rupees more than 75 lacs while working as a Branch Manager in ICICI Bank. However, the State counsel on instruction from ASI Resham Singh has not disputed the fact that the petitioner is incarcerated since 12.08.2022 and is having no criminal antecedents and that the prosecution is able to examine only 7 witnesses out of total 25 witnesses till date.

6. I have considered the submissions made by the counsel for the parties.

7. Admittedly, all the offences involved in the present case are triable by the Court of Judicial Magistrate First Class. The petitioner was apprehended by the police in the present case on 12.08.2022 but he is having no criminal history. After completion of investigation, police presented the challan and charges were also framed but it will take considerable time for the trial to terminate as prosecution is to examine another 18 witnesses. In the given circumstances, no purpose is going to be served by prolonging the judicial custody of petitioner for any further period.

8. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

12.02.2024

Priyanka Thakur

(KARAMJIT SINGH)
JUDGE