

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-42330-2023
Date of decision: 23.01.2024

Talwinder Singh @ Tinda

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. A.D.S.Sukhija, Advocate,
for the petitioner.

Mr. Harpreet Singh, Addl. AG, Punjab.

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SANJIV BERRY, J. (ORAL)

1. Instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR (Annexure P-1). Details of the FIR are as under: -

FIR No.	Dated	Sections	Police Station
39	16.06.2023	408 IPC	City Raikot, District Ludhiana Rural

2. It is, *inter alia*, contended by learned counsel for the petitioner that the aforesaid FIR in question had been registered against the petitioner by the complainant due to being inimical with him. He contends that it was not the duty of the petitioner to collect the installments from the loanees and a false case was planted against the petitioner without any substantive evidence. He further contends that the petitioner is in custody since 07.07.2023 and challan has already been presented in the Court. As such, he seeks grant of regular bail to the petitioner.

3. *Per contra*, learned State counsel submits that the petitioner had been apprehended in this case on account of embezzling the amount of Rs. 6,40,650/- on the complaint moved by the Manager of the Finance Company. As such, he prays for dismissal of the bail petition considering the gravity of offence, however, he admitted that challan has been presented in the Court; charges have been framed and out of 12 witnesses cited by the prosecution, only 02 witnesses have been examined.

4. After considering the respective arguments and perusing the record, it transpires that FIR in question was registered against the petitioner and others on the ground that the complainant-company had been financing loan to various Women Groups and the petitioner had to collect installments being the Manager of the Company. It is alleged that despite having collected the installments from various groups, the petitioner was not depositing the same in the account of the Company and thereby has embezzled the amount of Rs. 6,40,650/-.

5. In view of the status report dated 20.09.2023 filed in the form of affidavit of DSP, Raikot, District Ludhiana (Rural), the petitioner was arrested in the case on 08.07.2023 and after completion of investigation, challan has been presented in the Court and charges have been framed. It is stated by learned State counsel that there are 12 witnesses, cited by the prosecution and out of which only 02 witnesses have been examined till date. The petitioner, being in custody is no more required for further investigation and the conclusion of trial in the present case which is triable by the Court of Magistrate would take sufficient time to conclude and only

thereafter the criminal liability, if any, of the petitioner could be ascertained.

6. Considering all the facts and circumstances, without commenting on the merits of the case, instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing surety bonds/bail bonds to the satisfaction of Trial Court/Duty Magistrate.

7. The petitioner shall give the undertaking that he will not leave the country without prior permission of the Court; will regularly appear before the trial Court on each and every date; in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed and he will not tamper with evidence of prosecution in any manner.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

9. Petition stands allowed.

23.01.2024

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(SANJIV BERRY)
JUDGE

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