



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRM-M-4791-2025

Decided on : 31.01.2025

Bhagwan Dass

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Jasraj Singh, Advocate for the petitioner.

Mr. Jasdeep Singh, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023, for grant of regular bail to the petitioner, who has been booked for having committed the offences punishable under Sections 409 and 120-B IPC, in FIR No. 44, dated 12.05.2024, registered at Police Station Chabbewal, District Hoshiarpur, during the pendency of trial.

2. Learned counsel for the petitioner *inter alia* contends the petitioner was posted as peon in the society. As per allegations of the prosecution, petitioner was performing the assigned job of Secretary on temporary basis since the year, 2005. Counsel also submits that infact the petitioner has been falsely implicated in the present case to save the skin of the cashier and other office bearers working in the society. Counsel submits that as per the audit report, the total embezzled amount is Rs.20,66,421.52/- however, prosecution is not clear, whether the discrepancy is on account of the financial irregularity or due to embezzlement of it.

3. Counsel further submits that there is no direct evidence with the prosecution showing the financial deals of the society and all allegations are false on the face of it. Therefore, prays for grant of bail.

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4. Counsel further submits that all the offences are subject to the Magisterial trial and culmination of trial is likely to take a considerable time and petitioner cannot be kept behind bars for indefinite period.

5. On the other hand, learned State counsel while opposing the prayer of the petitioner submits that a huge amount has been found to be embezzled for which petitioner has been facing prosecution. However, there is no denial that after completion of investigation final report under Section 173 Cr.P.C./challan has been submitted and trial is yet to commence.

6. On being asked by the Court, as to whether during investigation, any substantive evidence has been adduced or not by the prosecution showing direct connectivity of the petitioner with the financial deals concerning the society, the State counsel is unable to give satisfactory response.

7. After hearing learned counsel for the parties and going through the present petition as well as the documents appended thereto and the fact that the guilt of the petitioner is yet to be proved and all the offences are triable by the Magistrate. Moreover, the fact that petitioner is not involved in any other case and is in custody since 29.09.2024 and the fact that culmination of trial would likely to take a considerable time as well as the process of recording of statement is yet to start. Therefore, this Court allows the prayer of bail made in the present petition.

8. Petitioner is ordered to be released on bail in this case, subject to his furnishing bail/surety bonds to the satisfaction of the learned Trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.



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9. The observation made here-in-above shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of evidence available on record.

10. It is further made clear that if in future petitioner is found indulged in similar kind of activities, prosecution would be at liberty to seek cancellation of bail in the present case.

Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

January 31,2025
rashmi

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*