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

CRM-M-6662-2025(O&M)

Date of Decision: 19.02.2025

Rakesh Kumar Sharma

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Mayur Karkra, Advocate, for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C./483 of BNSS with a prayer to grant regular bail to him in case FIR No.85 dated 16.11.2023 registered under Sections 409, 467, 468, 471 & 120-B of IPC, at Police Station Bhadson, District Patiala.

2. Learned counsel for the petitioner contends that the FIR in the present case was registered on the basis of the complaint submitted by the District Manager of Central Cooperative Bank Limited. In the FIR, it was falsely alleged that certain discrepancies were found in the financial record of the Bank, which were allegedly done at the instance of the petitioner, being the Branch Manager of the Bank. He further contends that the petitioner had no concern with the allegations levelled by the prosecution. Even otherwise, the FIR in the present case has been got registered by the complainant after a period of more than 02 years and 09 months only on the basis of suspicion. The petitioner was sent in police custody for 05 days, however, no incriminating evidence could be collected against him. Now, the petitioner is in custody since



06.03.2024 and the challan has already been presented against him. Learned counsel further submits that the prosecution has placed reliance on 59 witnesses, but one witness has been examined so far and there are no chances of early conclusion of the trial in near future.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner. However, he admits that the petitioner is the first offender and was never involved in any other criminal activity.

4. I have heard the learned counsel for the parties and perused the record.

5. In the present case, the petitioner was arrested on 06.03.2024 and is in custody for the last 11 months. No doubt, the allegations against the petitioner are serious in nature, however, the petitioner cannot be confined in jail for an indefinite period as an under trial prisoner. The prosecution has been able to examine only 01 witness, out of total 59 witnesses and the trial Court may take quite a considerable time for concluding the trial.

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

7. Pending application stands also disposed of.

19.02.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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