



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M-15150-2025
Date of Decision:01.08.2025

Jasbir Singh ...Petitioner
Versus
State of Punjab ... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Y.S.Dhaliwal, Advocate
for the petitioner.

Mr. Ravneet Joshi, DAG, Punjab.

N.S.SHEKHAWAT, J.

1. The petitioner has filed the instant petition under Section 483 of the B.N.S.S., 2023 with a prayer to grant regular bail in case FIR No.26 dated 08.05.2024 registered under Sections 381, 409, 465, 467, 468, 471, 420 and 120-B of IPC and Section 13(2) of Prevention of Corruption Act at Police Station Block Majri, District SAS Nagar.
2. The FIR in the present case has been registered on the basis of the statement made by Gurpreet Singh and the same has been reproduced below:-

“Statement HEAD OFFICE Of The COOPERATIVE BANK SAS NAGAR, S.E.F-66 Phase-2 MOHALI, DIST SAS NAGAR, age about 35 years. Stated, that I am posted as District Manager at Head Office of

Cooperative Bank S.E.F-66 Phase-2 Mohali, District SAS Nagar. Before approx 11 years 10 month, Jasvir Singh, resident of village Majra Dr. Hoshiarpur Police Station Mulanpur District SAS Nagar served as clerk and now as Assistant Manager (Branch Manager) whose transfer date on 22-2-2024, the branch was established at village Ghauran and in his place Mr. Tejpal Singh was posted as back manager at village Sialba. After taking charge of Mr. Tejpal Singh, when the account holders of the bank came to the bank regarding the transfer of money, the account holders noticed a significant difference in the amount deposited in their account when they checked the record of the bank. It was noticed that there was a lot of manipulation in the accounts of bank account holders, regarding which Mr. Tejpal Singh filed a complaint form near me at Main Branch Bank SCF-66 Phase 2 Mohali, which was verified at the office level. From the investigation, it was found that Jasvir Singh Manager, branch village Sialba, during his posting, he has debited the amount from the bank account holders by filling the voucher without the consent of the bank account holders, out of which Rs. 13 lakh 61 thousand from the account No. 201034001001358 of account holder namely Kelawati wife of Vijay Kumar and Amount of Rs. 16 lakh 59 thousand, Rs. 9 lakh 65 thousand, Rs. 8 lakh 96 thousand and Rs. 13 lakh 88 thousand from the account No. 201034001100779 of account holder namely Taranjit Singh son of Charan Singh had been manipulation withdrawn by Jasvir Singh. Apart from these, there are many other account holders whose complaints are coming and we are investigating

them. We will give you a report later. Jasvir Singh prepared the bank documents himself without the consent of the account holder and withdrew the said amount. Jasvir Singh Bank Manager has embezzled the deposit of the account holders in the bank and has cheated the account holder by preparing fake bank document without the consent of the account holders, Jasvir Singh has done this work along with another persons. Action should be taken against them. Regarding this matter, I came today along with Senior Manager Mr. Tejinder Singh at branch village Sialba. From where I was going to Majri police station to give a report in this regard, I met you and police party at the bus stand of village Majri Sialba, where I wrote my statement to you, read it, heard it, it is correct. SD/- Gurpreet Singh SD/- Tejinder Singh Verified SD/- Paramjit Singh ASI ”

3. Learned counsel for the petitioner contends that the petitioner has been wrongly arrayed as an accused in the present case. In fact, the petitioner had no concern with the allegations levelled by the complainant and still he was wrongly arrested by the police on 09.05.2024. Thus, the petitioner is in custody for the last more than 01 year and 02 months. Still further, after completion of investigation, the *challan* has already been presented against the petitioner before the Court. The prosecution has cited 59 witnesses in the *challan*, however, no witness has been examined so far. Thus, the trial Court may take a long time in concluding the trial against the present petitioner.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that the petitioner is involved in one more case, however, the petitioner is already on bail in the said case.

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

6. It has been held by the Hon'ble Supreme Court of India in the matter of Sanjay Chandra Vs. CBI, 2011(4) R.C.R. (Criminal) 898 and 2011 AIR (SCW) 6838 as follows:-

“14. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some un-convicted persons should be held in custody pending trial to secure their attendance at the trial but in such cases, 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any

person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any Court to refuse bail as a mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an un-convicted person for the purpose of giving him a taste of imprisonment as a lesson.

15. In the instant case, as we have already noticed that the "pointing finger of accusation" against the appellants is 'the seriousness of the charge'. The offences alleged are economic offences which has resulted in loss to the State exchequer. Though, they contend that there is possibility of the appellants tampering witnesses, they have not placed any material in support of the allegation. In our view, seriousness of the charge is, no doubt, one of the relevant considerations while considering bail applications but that is not the only test or the factor : The other factor that also requires to be taken note of is the punishment that could be imposed after trial and conviction, both under the Indian Penal Code and Prevention of Corruption Act. Otherwise, if the former is the only test, we would not be balancing the Constitutional Rights but rather "recalibration of the scales of justice." The provisions of Criminal Procedure

*Code confer discretionary jurisdiction on Criminal Courts to grant bail to accused pending trial or in appeal against convictions, since the jurisdiction is discretionary, it has to be exercised with great care and caution by balancing valuable right of liberty of an individual and the interest of the society in general. In our view, the reasoning adopted by the learned District Judge, which is affirmed by the High Court, in our opinion, a denial of the whole basis of our system of law and normal rule of bail system. It transcends respect for the requirement that a man shall be considered innocent until he is found guilty. If such power is recognized, then it may lead to chaotic situation and would jeopardise the personal liberty of an individual. This Court, in **Kalyan Chandra Sarkar v. Rajesh Ranjan, 2005(1) RCR (Criminal) 703 : 2005(1) Apex Criminal 307 : (2005)2 SCC 42**, observed that "under the criminal laws of this country, a person accused of offences which are non-bailable, is liable to be detained in custody during the pendency of trial unless he is enlarged on bail in accordance with law. Such detention cannot be questioned as being violative of Article 21 of the Constitution, since the same is authorised by law. But even persons accused of non-bailable offences are entitled to bail if the Court concerned comes to the conclusion that the prosecution has failed to establish a prima facie case against him and/or if the Court is satisfied by reasons to be recorded that in spite of the existence of prima facie case, there is need to release such accused on bail, where fact situations require it to do so."*

7. The petitioner was arrested in the present case on 09.05.2024 and is in custody for 01 year and 02 months. Even, though one more case was ordered to be registered against the petitioner, however, he has been granted the concession of bail in the said case.

8. 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.

01.08.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE

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