



CRM-M-23703 of 2025

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

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CRM-M-23703 of 2025
Date of Decision: 09.09.2025

Gopal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

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

Mr. Amit Shukla, DAG, Punjab.

Ms. Navyug Geet Brar, Advocate, for
Mr. Sarju Puri, Advocate
for the complainant.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.06 dated 19.01.2019 registered under Sections 420, 465, 467, 468 and 471 of IPC, at Police Station Aur, District SBS Nagar.
2. Brief facts of the present case are that as per the prosecution, the petitioner, who is Manager of the Bank, in connivance with other accused hatched conspiracy after misusing the cheque book of the complainant, in order to embezzle an amount of Rs.30 lakhs.
3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with the



said offence. He argued that in fact, the petitioner had tried to facilitate CC Limit/loan facility limit to the complainant and on account of the same misunderstanding/mis-calculation, the petitioner has been roped in the FIR in question. The petitioner is in custody since 07.12.2024. The investigation in the case is complete and challan also stands presented. He further submits that the trial will take a long time to conclude and no useful purpose would be served by keeping him behind the bars. Therefore, it is urged that the petition deserves to be allowed.

4. Learned State counsel, who has appeared on advance notice of the petition, already filed the status report in the matter and while referring to the same, has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. Apart from that, the petitioner absconded for five years and was declared proclaimed offender as well and he does not deserve any leniency. He has further submitted that the petitioner is involved in multiple other cases of similar nature meaning thereby he is a habitual offender.

5. Learned counsel for the complainant has also put in appearance and prays for dismissal of the petition on the ground that the petitioner had embezzled a sum of Rs.30 lakhs. She has further submitted that the petitioner, being Manager in the bank, had complete control over the transactions and had embezzled the money of the customers.

6. This Court is sanguine of the fact that according to the proposition settled by the Apex Court in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to



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infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle “*bail is a rule*” and “*jail is an exception*”.

7. As regards the submission of learned State counsel that petitioner is involved in other/one more criminal case(s), reference is placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s). The relevant portion of the said judgment is reproduced herein-below:-

"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

8. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 08 months, investigation is complete; challan stands presented; the culpability, if any, would be determined at the time of trial, and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining him in further custody. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of

