

2026:PHHC:041689



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

156

CRR-2076-2025

Date of Decision: 17.03.2026

AMIT GUPTA

... Petitioner

VERSUS

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL.

Present: Ms. Jigyasa Tanwar, Advocate
for the petitioner.

Mr. P.S. Pandher, AAG, Punjab.

H.S. GREWAL, J. (ORAL)

This Criminal Revision Petition has been preferred by the petitioner against the order dated 05.08.2025 passed by the Addl. Chief Judicial Magistrate, Amritsar whereby the application for grant of bail to the petitioner in case bearing FIR No.26 dated 27.02.2024 under Sections 420, 406, 409 and 120-B of IPC registered at Police Station E-Division, Amritsar has been dismissed.

2. The case of the prosecution is that during counting of cash in the bank, shortage of Rs.2,37,79,410/- had come to light. The petitioner being posted as Assistant Cashier of the J&K Bank was arrayed as accused in the present case. It is alleged that the petitioner alongwith his co-accused hatched a conspiracy and embezzled the abovesaid amount. It is further alleged that the petitioner has returned an amount of Rs.25,00,000/-, which shows his clear involvement in the commission of the alleged offence.

3. Learned Counsel for the petitioner contends that the petitioner was not the sole custodian of the cash kept in the strong room/locker of the bank and so far as the question of returning an amount of Rs.25,00,000/- is concerned, the petitioner had not returned the same out of guilt but the said amount has been returned by him out of compulsion and that in order to return the said amount, he had to borrow the same from his relatives/friends. It is further stated that the petitioner is in custody for the last 01 year, 04 months and 06 days. Moreover, the trial against the petitioner is likely to take a long time as out of 11 witnesses only one witness has been examined till date. She further submits that the petitioner is not involved in any other criminal case. She thus prays that the revision petition be allowed and petitioner be granted the concession of regular bail.

4. Per contra, learned State Counsel vehemently opposes the petition for grant of bail on the ground that the allegations and role attributed to the petitioner in the commission of the alleged offence are very serious in nature and the petitioner has actively participated in the alleged offence by way of deliberately committing embezzlement of crores of rupees. He further submits that the trial Court has rightly dismissed the bail application of the petitioner. Hence, he prays for dismissal of the present petition. The custody certificate filed by the State is taken on record.

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

6. Keeping in view the facts and circumstances of the case and taking into consideration the fact that the petitioner is in custody for the last more than 01 and 04 months coupled with the fact that the trial against the petitioner will take a long time to conclude as only one witness has been examined so far, this Court is of the opinion that the petition in hand deserves to be allowed. Moreover, bail is rule and

jail is exception. The continuous incarceration of the petitioner would not serve the ends of justice.

7. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed and the impugned order dated 05.08.2025 passed by the Addl. Chief Judicial Magistrate, Amritsar is hereby set aside. The petitioner is ordered to be released on regular bail on his furnishing requisite bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

8. It is clarified that if while on bail so granted through the instant order, the petitioner is found indulging in any other criminal case/activity, it shall be open to the State to seek cancellation of his bail.

9. Nothing discussed hereinabove shall be construed as an expression of opinion on the merits of the case.

MARCH 17, 2026.
Rajender

(H.S. GREWAL)
JUDGE

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