

CRM-M-50248-2025 (O & M)

2026:PHHC:034927



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(105)

CRM-M-50248-2025 (O & M)
Date of decision:07.03.2026

Ashwani Kumar @ Ashu

..... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Jasleen Kaur, Advocate, for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition under Section 483 BNSS, 2023 is for the grant of the regular bail to the petitioner in FIR No.52 dated 08.04.2024 under Sections 420 and 408 IPC registered at Police Station City Sunam, District Sangrur.

2. As per the allegations, the petitioner has embezzled 2125 bags of rice to the tune of Rs.16,41,552/- and also received another amount of Rs.5,46,157/- in his HDFC bank account No.50100021998579.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case as there is no evidence of the alleged embezzlement. A civil suit has already been preferred by the petitioner against the present complainant. The petitioner is in custody since 26.07.2025 but none of the 15 prosecution witnesses has been examined so far. The case is triable by the Court of a Magistrate. As the Trial is not likely to be concluded anytime soon, he is entitled to the concession of bail.



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4. The learned counsel for the State, on the other hand, while referring to the reply dated 08.12.2025 which is already on record, contends that the nature of allegations are grave and therefore, the petitioner is not entitled to the concession as prayed for. He, however, concedes that the petitioner is in custody since 26.07.2025, that none of the 15 prosecution witnesses has been examined so far and that the case is triable by the Court of a Magistrate.

5. I have heard the learned counsel for the parties.

6. This Court in the case titled as ***Maninder Sharma Vs. State Tax Officer, State, Mobile Wing, Jalandhar, Punjab bearing CRM-M24033-2021(O&M) Decided on 31.08.2022*** has held as under:-

“Therefore, broadly speaking (subject to any statutory restrictions contained in Special Acts) , in economic offences involving the IPC or Special Acts or cases triable by Magistrates once the investigation is complete, final report/complaint filed and the triple test is satisfied then denial of bail must be the exception rather than the rule. However, this would not prevent the Court from granting bail even prior to the completion of investigation if the facts so warrant.”

7. The veracity of the prosecution case against the petitioner shall be adjudicated during the course of the Trial. Admittedly, the petitioner is in custody since 26.07.2025 but none of the 15 prosecution witnesses has been examined so far. Therefore, the Trial in the present case is not likely to be concluded anytime soon. The present case is triable by the Court of a Magistrate and no serious apprehension has been expressed by the State that the petitioner would abscond from justice, tamper with the evidence or



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influence witnesses if granted the concession of bail. Therefore, in this situation, the further incarceration of the petitioner is not required.

8. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Ashwani Kumar @ Ashu is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. The present petition stands disposed of.

10. The pending application(s), if any, shall stand disposed of accordingly.

March 07, 2026
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No