

CRM-M-64725-2024

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

CRM-M-64725-2024
Reserved on: 11.03.2025
Pronounced on: 25.03.2025

Mandeep Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mohd. Yousaf, Advocate
for the petitioner.

Mr. Akshay Kumar, Asst. AG, Punjab.

Mr. Paul s. Saini, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
111	21.07.2022	Mukerian, District Hoshiarpur	406/409/120-B IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, seeking regular bail.
2. In paragraph 22 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That it is submitted that complainant Sunil Tuli Senior Divisional Manager, National Insurance Company Limited, Branch Mukerian moved applications No.845-PD, dated 24-02-2021, regarding representation No.1462-PD, dated 26-03-2022, 699-DGP dated 28-12-2021, 934-PD, dated 03-03-2021, 4628-PD, dated 12-11-2021, 4967-PD, dated 20-11-2021, 131-E.mail dated 06-04-2022 to the Police authorities against Mandeep Singh, Jyoti Sharma, Mandeep Kaur, Manjit Singh and Maninder Singh regarding embezzlement of Govt. funds. It has been alleged in the said application that Mandeep Singh son of Gurcharan Singh resident of House No. 1/104 Guru Ravidass Nagar, Maqsudan Distt.

CRM-M-64725-2024

Jalandhar had been working as Assistant in the office of National Insurance Company Limited, Branch Mukerian since 25.12.2013. He was assigned duty of processing the claims on computer. Som Raj, Branch Manager brought into the notice of complainant-Sunil Tuli Senior Divisional Manager regarding embezzlement of Rs.75,34,803/- in the account of the company. The aforesaid applications were marked to Incharge E.O. Wing, Hoshiarpur. The Incharge E.O. Wing, Hoshiarpur got conducted the inquiry of the matter from ASI Jasbir Singh E.O. Wing, Hoshiarpur and it was found that the petitioner - Mandeep Singh has committed embezzlement to the tune of Rs.75,34,803/-. Even the receipts produced by the petitioner-Mandeep Singh regarding deposit of money were also found to be fake. Then the Incharge E.O. Wing, Hoshiarpur recommended to register a case U/s 406, 409, 120-B IPC against the petitioner Mandeep Singh, Jyoti Sharma, Mandeep Kaur, Manjit Singh and Maninder Singh and sent the inquiry report to SSP, Hoshiarpur for further action. On this, the SSP, Hoshiarpur approved the inquiry report and directed the SHO, P.S. Mukerian, District Hoshiarpur to register a case and to investigate the case. Accordingly FIR No.111, dated 21-07-2022, U/s 406, 409, 120-B IPC was registered at P.S. Mukerian, District Hoshiarpur against petitioner Mandeep Singh, Jyoti Sharma, Mandeep Kaur, Manjit Singh and Maninder Singh.”

4. The petitioner's counsel submits that petitioner's wife has already been granted bail by the Hon'ble Supreme Court of India vide order dated 04.10.2023 (Annexure P-1). He further prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel as well as counsel for the complainant oppose bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“Role of the petitioner

That it is submitted that it was found in the inquiry conducted by the Incharge of E.O. Wing, Hoshiarpur as well as in the investigation conducted by the Police of P.S. Mukerian, District Hoshiarpur that the petitioner Mandeep Singh in connivance with his wife -Mandeep Kaur. have defrauded the National Insurance Company Ltd. Branch Mukerian for a huge sum of Rs. 75,34,803/- and a sum of Rs. 15,08000/- has been

CRM-M-64725-2024

transferred by the petitioner Mandeep Singh in the account of co-accused Mandeep Kaur. The Public money has been embezzled by the petitioner in connivance with co-accused Mandeep Kaur.”

REASONING:

7. Challan in this FIR has been filed on 06.10.2024 and there are 20 witnesses to be examined and trial will take long time.

8. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. As per the custody certificate dated 08.03.2025, the petitioner's total custody in this FIR is 05 months & 17 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

9. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

12. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

13. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

14. Any observation made hereinabove is neither an expression of opinion on the

CRM-M-64725-2024

case's merits nor shall the trial Court advert to these comments.

15. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

16. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

25.03.2025
anju rani

Whether speaking/reasoned: Yes

Whether reportable: No.