



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

**302**

**CRM-M-58816-2024 (O&M)  
Date of decision: 10.07.2025**

Sukhmander Singh

....Petitioner

Versus

State of Punjab

....Respondent

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

**Present:** Mr. S.S. Grewal, Advocate  
for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

**HARPREET SINGH BRAR J. (Oral)**

1. Prayer in this petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.31 dated 02.04.2024 registered under Sections 409, 420, 120-B IPC at Police Station Gidderbaha, District Sri Muktsar Sahib.

2. As per the prosecution case, the FIR (supra) has been registered against three accused persons namely Sukhmander Singh, Accountant, PSPCL (petitioner herein), Sushil Sachdeva and Ramesh Kumar, Addl. S.E., PSPCL (now retired) on the application of one Harish Kumar, Additional S.E. Gidderbaha, with the allegations that the accused by hatching a criminal conspiracy, cheated Punjab State Power Corporation Limited (PSPCL) and embezzled a sum of Rs.9,39,726/-.

3. Learned counsel for the petitioner *inter alia* contends that FIR (supra) has been registered after a delay of 10 years and the delay



itself completely suffocates the case of the prosecution. Further the similarly situated co-accused namely Sushil Sachdeva has already been granted the concession of anticipatory bail by this Court on 13.02.2025, passed in CRM-M-30818-2024. He further contends that at the time of alleged occurrence, Ramesh Kumar was posted as Senior Executive Engineer and Rajinder Kumar was posted as Divisional Superintendent and one Aditi was posted as Upper Division Clerk whereas the petitioner alone has been made a scapegoat. Further the refund of security was made only after the sanction of the Senior Executive Engineer and other officers in the hierarchy. Moreover, the cheques were counter-signed by Senior Executive Engineer and as such, no offence, as alleged by the prosecution, is made against the petitioner.

4. Learned counsel for the petitioner further submits that the petitioner is behind the bars since 25.07.2024 and almost suffered the incarceration of one year. Further the offences, under which the FIR (supra) has been registered, are triable by the Court of Magistrate and the petitioner is not involved in any other case. Furthermore, there are total 12 prosecution witnesses cited in the list of witnesses, out of which, only 02 PWs have been examined till date and the trial is likely to take long time in conclusion.

5. *Per contra*, learned State counsel has filed custody certificate today in the Court which is taken on record and he opposes the prayer made by learned counsel for the petitioner on the ground that the complicity of the petitioner is duly established and he has embezzled



the amount of Rs.9,39,726/-, however, he could not controvert the fact that the petitioner is not involved in any other case.

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars from the last 11 months and 15 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges were framed and trial of the case has not made much progress. Out of 12 prosecution witnesses, 02 PWs have been examined so far.

7. A two Judge Bench of Hon'ble Supreme Court in **"Satender Kumar Antil vs. CBI", (2022) 10 SCC 51**, with respect to prevailing conditions of undertrial prisoner in India has observed:

*"6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other."*



8. Further the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further detention of the petitioner-accused. 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 India.

9. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Sukhmander Singh is ordered to be released on regular bail during pendency of the trial, on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

10. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

**(HARPREET SINGH BRAR)**  
**JUDGE**

**10.07.2025**

*yakub*

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No