

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

CRM-M-11301-2015

Date of decision: 21.04.2015

Devender Singh Siwach

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. D.S. Malik, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR no.10 dated 30.01.2015 under Sections 7, 8, 13, 49, 88 of P.C. Act, registered at Police Station S.V.B., District Hisar.

Notice to Advocate General, Haryana.

On the asking of the Court, Mr. Manoj Kumar Sangwan, DAG, Haryana accepts notice on behalf of the State.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case at the instance of the complainant in collusion with shadow witness namely Kuldeep Singh. He further submits that shadow witness Kuldeep Singh was a defaulter of the bank where petitioner was serving. He connived with the complainant so as to put an unwarranted pressure on the petitioner not to ask the shadow witness for recovery of the loan amount. Learned counsel for the petitioner also submits

that no amount of alleged gratification was recovered from the petitioner. It was next contended by learned counsel for the petitioner that since the prosecution evidence is yet to start, trial will take pretty long time. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from Inspector Siriram, S.V.B. Sub Unit Bhiwani, Police Station S.V.B., Hisar, submits that petitioner was very much involved in the case. Pursuant to the approval granted by the competent authority, raid was conducted and an amount of Rs.10,000/- was recovered from Ramesh Kumar, co-accused of the petitioner. He next contended that although said Ramesh Kumar, co-accused of the petitioner was neither related with the petitioner nor serving in the bank but he was an accomplice of the petitioner. Learned counsel for the State concluded by submitting that since the challan has already been presented, the conclusion of trial will not take long time. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that in the abovesaid peculiar facts and circumstances of the case, petitioner is entitled for bail pending trial. It is so said because admittedly no amount of alleged gratification was recovered from the petitioner. His alleged accomplice Ramesh Kumar was neither related with the petitioner nor he was serving in the same bank where the petitioner was serving. Since the trial is yet to start, conclusion thereof will take some time.

In view of the above, present petition is allowed and the petitioner is directed to be released on bail pending trial, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court.

Petition stands disposed of accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

21.04.2015
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