

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

242a

Criminal Misc. No.M-29683 of 2015
Date of decision: September 10, 2015

Kamal

....Petitioner

versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the Digest? Yes/No

Present: Mr. Kunal Dawar, Advocate for the petitioner.

Mr. Baljinder Singh Virk, DAG, Haryana.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.237 dated 10.05.2013 registered under Section 420 of Indian Penal Code at Police Station Sector 5, Panchkula during the pendency of the trial.

Learned counsel for the petitioner submits that the petitioner is in custody since 06.08.2015 and there was no concealment on his part. Even the flat in dispute has also been surrendered. The recovery of house rent allowance, which was received by the petitioner, has been ordered to be recovered from his salary. Co-accused, namely, Shiv Ram has already

been granted anticipatory bail vide order dated 21.08.2015 in Criminal Misc. No.M-27975 of 2015. He also submits that nothing is to be recovered from the petitioner and the relevant documents are either in the custody of the department or with the police. He also submits that only challan has been presented and trial will take long time in final conclusion.

Learned State counsel has not disputed the submissions made by learned counsel for the petitioner.

Keeping in view the submissions made by learned counsel for the parties and also the fact that the offence is triable by Magistrate; the flat in dispute has also been surrendered; co-accused of the petitioner, namely, Shiv Ram has already been granted anticipatory bail vide order dated 21.08.2015 passed in Criminal Misc. No.M-27975 of 2015; the petitioner is in custody since 06.08.2015; the trial may take long time in final conclusion and no purpose would be served by keeping him in custody, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

September 10, 2015
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(DAYA CHAUDHARY)
JUDGE