

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

CRM-M-26857-2016 (O&M)
Date of decision : 02.09.2016

Gurbaksh Singh

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. K.S. Banyana, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana,
assisted by ASI Ravinder Singh.

None for respondent No.2.

JITENDRA CHAUHAN, J. (Oral)

The petitioner seeks regular bail under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') in FIR No.227 dated 12.06.2014, registered under Sections 406 and 409 of the Indian Penal Code, at P.S. Thanesar.

Learned counsel for the petitioner contends that the petitioner is entitled to be released on bail in view of the provisions contained in Section 437 (6) Cr.P.C. as the charges were framed on 15.03.2016 and even after the expiry of sixty days therefrom, the trial is yet to be concluded. Cites *Amit Sharma Vs. State of Haryana, 2015(2) R.C.R. (Criminal) 311*; *Sukhdev Singh Vs. State of Punjab, 2009(3) R.C.R. (Criminal) 291*; *Satish Chander Vs. State of Punjab, 2005 (2) R.C.R. (Criminal) 113*; *Smt.*

Kamlesh Vs. State of Haryana, 2009(4) R.C.R. (Criminal) 974 and a judgment of this Court delivered in ***Balwinder Singh Vs. State of Punjab*** vide CRM-M-2519 of 2016, decided on 29.01.2016.

On the other hand, learned State counsel, on instructions, submits that the petitioner failed to prepare and submit the physical verification report at the end of the financial year 2012-13. Finally, physical verification of the stock/bags was done on 13.05.2014 and 7.42 lacs bags were found short. Thus, the petitioner being a public servant caused loss of more than Rupees three crores to the exchequer.

Heard.

The bail is sought primarily on the ground that even after a lapse of sixty days from the first date fixed for taking evidence, the trial has not concluded. However, a bare reading of Section 437(6) Cr.P.C. reveals that even in such circumstances, the Magistrate can reject the bail keeping in view the nature and seriousness of the offence alleged to have been committed by the applicant apart from various other factors, by recording the reasons in writing.

In this case, the allegations against the petitioner are very serious as the petitioner, a government servant, was the custodian of the stock which was found deficient to the tune of more than Rupees three crores. Section 409 IPC provides for imprisonment for life or of either description for a term which may extend to 10 years and fine. The ratio of the cited cases is not applicable to the facts of the instant case.

In this view of the matter, this Court is not inclined to grant the relief sought in the present petition.

Dismissed.

However, nothing noticed hereinabove shall be construed as an expression of opinion of the Court on the merits of the case.

02.09.2016
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No