

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

Crl. Misc. No. M-32134 of 2016

Date of Decision:-23.09.2016

Amit Kumar @ Sukh Raj

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr.Randeep S. Dhull, Advocate for the petitioner.

Mr.Manish Bansal, DAG, Haryana.

HARI PAL VERMA J.(Oral)

Prayer made in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioners in case FIR No.69, dated 24.07.2016, for offence under Sections 406, 420, 120-B IPC, registered at Police Station, Naggal, Ambala.

Learned counsel for the petitioner contends that the allegation against the petitioner is that he was instrumental in getting 400 bags of cement sold in the open market which belongs to HUDA. He further submits that the petitioner is in custody since 27.07.2016 and the co-accused of the petitioner, namely, Harpal Singh, has already been admitted on regular bail by this Court vide order dated 26.08.2016 passed in CRM-M-29245 of 2016 titled as “Harpal Singh Vs. State of Haryana”.

Learned counsel for the State, on instructions from ASI-Daya Kishan, submits that though the petitioner was employee of the contractor, but he was having the direct control over the cement, which he sold in the

market hampering the development work being carried out by HUDA. Though, he does not dispute the fact that co-accused of the petitioner, namely, Harpal Singh, has already been admitted on regular bail by this Court, but submits that Harpal Singh was driver of the said contractor.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 27.07.2016, coupled with the fact that the co-accused of the petitioner, namely, Harpal Singh, has already been admitted on regular bail by this Court as well as the fact that trial in the case will take sufficient long time, I deem it appropriate to allow the present petition for grant of regular bail.

Accordingly, the present petition is accepted and the petitioner is ordered to be released on regular bail, subject to their furnishing bail/surety bonds to the satisfaction of the trial Court.

It is made clear that expression made here-in-above shall not be construed as an expression on the merit of the case and the trial Court shall be at liberty to decide the case on the basis of available evidence.

(HARI PAL VERMA)
JUDGE

23.09.2016
Anjal

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No