

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

CRM No. M-40387 of 2016

Date of decision:- December 01, 2016

SOMPAL

....PETITIONER..

VS.

STATE OF HARYANA

....RESPONDENT..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. N.S. Shekhawat, Advocate for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

JASPAL SINGH, J. (Oral)

By virtue of instant petition preferred under Section 439 of the Code of Criminal Procedure (for short, "Cr.P.C."), petitioner-Sompal has sought concession of bail during pendency of trial, in case FIR No.1066, dated 18.11.2015, under Sections 409, 420, 467, 468, 471 and 511 IPC, Police Station Karnal City, District Karnal.

2. As per the case of prosecution, 760 Cartons of medicines were handed over to the petitioner-accused for transportation from Karnal to Patna in three trucks on 27.11.2013. En-route, one of the trucks developed some technical defect. As a result whereof, the goods were transferred to other two trucks and entire bulk was handed over at Patna to the concerned authorities on 27.11.2013. Subsequent thereto, during the intervening period i.e. prior to the registration of FIR, there arose some dispute in between complainant and petitioner and at the instance of petitioner, a corruption case was got registered, in which, one Subhash Chander Gupta from Karnal

was convicted and sentenced under Section 7 and 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act. Being frustrated, one Jagdish Chander succeeded in getting the instant case registered against the petitioner.

3. Concededly, the petitioner was arrested in this case on 27.06.2015 and after subjecting him to custodial interrogation, he was remanded to judicial custody. Meaning thereby, he was no more required for further custodial interrogation. If, the case of prosecution is considered from any of the angles, it emerges that there is no pecuniary loss to the complainant-party. Rather, the loss, if any, is to the petitioner, as he has not been paid even a single penny for transporting the goods, so far. Moreover, on conclusion of investigation, report under Section 173 (2) Cr.P.C., has already been presented in the Court of Id. Jurisdictional Magistrate. Otherwise also, disposal of trial would likely to take sufficient long time. Petitioner is suffering incarceration for the last more than 5 months.

4. Taking into consideration the aforesaid aspects but without expressing any opinion on the merits of the case, this Court is of the considered view that the case is made out for grant of bail to the petitioner. Accordingly, petition is allowed and petitioner is ordered to be released on bail on his furnishing requisite bonds at the satisfaction of trial court/Duty Magistrate, Karnal.

December 01, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No