

CRM No. M-42659 of 2016

DECIDED ON: DECEMBER 07, 2016

RADHA CHARAN

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Rohit Rana, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Section 439 of the Code of Criminal Procedure (for brevity, "Code" only), petitioner-Radha Charan has sought bail during the pendency of trial, in case FIR No.203, dated 26.06.2015, under Sections 420, 467, 468, 471, 409, 201, 406, 120-B IPC, registered at Police Station Chandhuth, District Palwal.

The only allegation against the petitioner is that he while posted as Village Secretary, he as well as the Sarpanch of the village did not deposit the amount to the tune of ₹12,00,000/-. Rather, the said amount was released by way of issuance of cheques in favour of Satish Baghel, a building supplier/Contractor for the work already completed by him. The co-accused of the petitioner namely Ram Parshad and Satish Baghel have already been granted the concession of bail vide orders dated October 24 and October 19, 2016

passed in ***CRM Nos. M-37117 and M-39365 of 2016.***

Undoubtedly, petitioner was arrested in this case on August 08, 2016 and subjected to custodial interrogation. Subsequently, he was remanded to judicial custody meaning thereby, he is no more required for further investigation. During the course of arguments it has also emerged that investigation is complete and report under Section 173(2) Cr.P.C has already been presented in the court of Jurisdictional Magistrate and disposal thereof, would take sufficient long time. Moreover, the entire case is based upon documentary evidence and is triable by Magistrate.

Taking into consideration the aforesaid aspects but without expressing any opinion on the merits of the case, the petition is allowed and petitioner is ordered to be released on bail, during pendency of trial, at the satisfaction of trial Court/Duty Magistrate.

DECEMBER 07, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*