

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

CRM-M No. 42951 of 2015 (O&M)

Date of Decision: 28.03.2016

Anna Durai and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Sapan Dhir, Advocate
for the petitioners.

Mr. Mikhail Kad, Assistant Advocate General, Punjab
for the respondent/State assisted by ASI Hira Singh.

JASWANT SINGH, J. (ORAL)

CRM No. 9004 of 2016

Present application under Section 482 Cr.P.C. is for preponing the date of hearing in the case.

Upon notice, learned State Counsel states that he has no objection, if the date of hearing is preponed from 01.04.2016 and fixed for hearing today itself.

Therefore, present application is allowed and the date of hearing is preponed and listed for today itself with the consent of parties.

MAIN CASE

Prayer in this petition under Section 439 of the Code of Criminal Procedure, is for grant of regular bail on behalf of accused-Anna Durai (petitioner No. 1 herein) and his son/accused-A. Parthivan (petitioner No. 2 herein) in case FIR No. 27, dated 15.02.2015, for offences punishable under Sections 420 and 120-B of the Indian Penal Code, registered at Police Station Model Town, Ludhiana, District

Ludhiana.

In short, the allegations against the father and son are that they in connivance with other co-accused have usurped an amount of Rs. 50 lacs for arranging a Gas Agency for the complainant by posing themselves as related to a Central Minister.

It is contended that the father-son (petitioners) are in custody since 27.02.2015 and after completion of the investigation, challan has been presented and charges have been framed on 04.06.2015. It is also submitted that similarly placed co-accused, namely, Nagarajappa M.K. @ Rajesh Sharma Nagraj, has since been enlarged on bail by this Court's order dated 30.06.2015.

Learned State Counsel, assisted by ASI Hira Singh, states that only two witnesses out of nine prosecution witnesses have since been examined. He does not refute the custody period of the petitioner and grant of bail to other co-accused.

Without commenting on the merits of the case, keeping in view the custody period of the petitioners and parity of treatment, no useful purpose would be served by keeping the petitioners/accused in custody since the trial is not likely to be concluded in near future, the present petition is allowed and the petitioners are ordered to be released on bail subject to satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

March 28, 2016

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**(JASWANT SINGH)
JUDGE**