

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

CRM-M No.43478 of 2015

Date of Decision:-08.02.2016

Ashwani Kapoor.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Ashish Aggarwal, Advocate for the Petitioner.

Mr. R.S. Randhawa, Additional Advocate General, Punjab
assisted by ASI Hem Raj.

JASWANT SINGH, J (ORAL)

Prayer is under Section 439 Cr.PC for grant of regular bail to the petitioner Ashwani Kapoor in case FIR No.44 dated 15.3.2014 for offences punishable under Sections 407 and 420 of Indian Penal Code registered with Police Station Dinanagar, District Gurdaspur.

As per the allegations, the petitioner, who is working as Commission Agent-cum-Transporter had misappropriated 6,411 bags of Paddy since the same were not delivered to M/s Agro Rice Mills, Dostpur, Gurdaspur.

It is submitted that the petitioner is in custody since 22.08.2015 and after filing of the challan case is at the stage of commencement of

evidence of 16 prosecution witnesses. It is further submitted that the case is exclusively triable by a Magistrate. It is further submitted that the petitioner is suffering from Cancer.

Learned State Counsel assisted by ASI Hem Raj does not dispute the factual position regarding the stage of proceedings.

Without going into the merits of the case, keeping in view the custody period and the fact that the trial is not likely to be concluded in near future, present petition is allowed and the petitioner Ashwani Kapoor is ordered to be released on bail to the satisfaction of learned CJM/Duty Magistrate, Gurdaspur.

Petition stands disposed of.

(JASWANT SINGH)
JUDGE

February 08, 2016
Vinay