

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

CRM No.M-6619 of 2016 (O&M)

Date of Decision: 23.04.2016

Anil

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Parmod Gahlawat, Advocate for the petitioner.

Mr. Deepak K. Grewal, DAG, Haryana.

....

TEJINDER SINGH DHINDSA, J.

This order shall dispose of the present petition filed under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioner pending trial in case FIR No.297 dated 09.08.2014, under Sections 406/409/420/467/468/471/120-B IPC, registered at Police Station Sadar Jind, District Jind.

FIR in question was registered on the complaint of B.D.P.O., Jind. Allegations in a nutshell are that a certain amount of money had been sanctioned for development work of Village-Dalamwala and a sum of Rs.25.90 lacs were released vide account payee cheque in favour of co-accused, Rajesh who was owner of a brick kiln but the requisite material was not supplied.

Insofar as the present petitioner is concerned, he was not even named in the FIR. He is sought to be implicated on the basis of a disclosure statement of co-accused, Sanjay @ Swami i.e. Sarpanch of the village. Accusation against the present petitioner is that he had filled the cheque in favour of main accused, Rajesh on the saying of Sanjay @ Swami i.e. the Sarpanch.

During the course of hearing today, counsel appearing for the

petitioner has adverted to the order dated 02.02.2016 passed by this Court in CRM No.M-36693 of 2015 in terms of which main accused, Rajesh has been granted concession of anticipatory bail.

Perusal of such order which has been appended as Annexure P-2 would reveal that main accused, Rajesh has already deposited a sum of Rs.21,14,550/- in the account of Gram Panchayat of the village concerned and the balance amount of Rs.4,75,000/- was to be deposited within a period of four weeks from the date of passing of the order.

It is not in dispute that even such balance amount has since been deposited.

Even, Sarpanch of the village i.e. Sanjay @ Swami has been granted benefit of regular bail.

Petitioner has been in custody since 23.08.2015.

Investigation in the present case is complete and even the challan has been presented.

Learned State counsel would apprise the Court that out of 25 prosecution witnesses cited only 4 have been examined till date. The trial, as such, would take time to conclude.

In view of the circumstances noticed hereinabove and without making any observations on merits, petitioner is held entitled to the benefit of bail.

Accordingly, petition is allowed. Petitioner be enlarged on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Jind.

Disposed of.

23.04.2016

**(TEJINDER SINGH DHINDSA)
JUDGE**