

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

**CRM-M-11356 of 2017
Date of Decision: 18.4.2017**

Satish Kumar

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr.R.S.Budhwar, Advocate
for the petitioner.

Mr.Tanuj Sharma, AAG, Haryana.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.43 dated 22.3.2016 registered for the offences punishable under Sections 406, 408, 420, 467, 468, 471, 120-B of Indian Penal Code (for short, "IPC") at Police Station Mullana, District Ambala.

Heard.

Learned State counsel on instructions from ASI Dharamvir submits that the petitioner was arrested for embezzlement of stock amounting to ₹ 32 lacs in the year 2012-2013. The matter was reported to the police in the year 2015 and FIR was registered on 22.3.2016. The petitioner was arrested in this case on 14.1.2017 and the challan has been presented on 10.3.2017.

Learned counsel for the petitioner submits that the entire case is based on documentary evidence and is triable by Magistrate.

Without expressing any opinion on merits of the case and keeping in view the fact that the alleged embezzlement was of the year 2012-13 and thereafter, the police has not arrested the petitioner till 14.1.2017 even after registration of the FIR on 22.3.2016 and the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Satish Kumar is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

April 18, 2017

Paritosh Kumar

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No