

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

CRM-M-35885-2016 (O&M)

Date of decision: 27.01.2017

RAJNISH

...Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present : Mr. Ankur Mittal, Advocate for the petitioner (s).

Ms. Harsimrat Rai, DAG, Punjab
assisted by HC Malkeet Singh.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in case FIR No.13 dated 30.01.2016, registered under Sections 420, 467 and 468 of the Indian Penal Code (for short 'the IPC'), at Police Station City Budhlada, Distt. Mansa.

Contents that the petitioner was a domestic helper with main accused, Dalip Singh. The petitioner is not named in the FIR. He states that the petitioner did not receive any amount from the complainant nor was any amount credited in his account by the complainant. He further states that as per the complaint the amount in question was handed over to Amit, Ankit, Gaurav and Dalip. The petitioner is admittedly in custody since 03.03.2016.

Custody certificate has been filed in the Court, same is taken on record.

The learned State counsel is unable to controvert the factual aspect of the matter. She states that challan has been filed and no prosecution witnesses has been examined so far. The learned State counsel informs that the petitioner is also involved in other FIRs, however, the learned counsel for the petitioner states that the petitioner has been admitted to bail in these FIRs. The learned State counsel states that even from the challan it is not clear that in whose account the amount i.e. Rs.14,42,000/- have been credited. The State is directed to file a response in the matter as to why despite specific allegation against Amit, Ankit and Gaurav in the FIR they have not been nominated as accused.

Heard.

Considering the facts that the petitioner is in custody since 03.03.2016; he is not named in the FIR; neither the petitioner has received any amount from the complainant nor any amount has been credited in his account by the complainant; no prosecution witnesses has been examined so far, trial is likely to take a long time, therefore, no purpose would be served in keeping the petitioner behind the bars, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court, concerned.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

27.01.2017
ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned:	Yes / No
Whether reportable:	Yes / No