

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

**Crl. Misc. No. M-37754 of 2017
Date of Decision:13.10.2017**

Sher Singh

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Deepender Singh, Advocate for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

Mr. Subhash Godara, Advocate for the complainant.

Hari Pal Verma, J.(Oral)

Crl. Misc. No.33264 of 2017

Prayer in the application filed under Section 482 Cr.P.C is for placing on record documents Annexures P.3 to P.5.

For the reasons stated in the application, the same is allowed and documents Annexure P.3 to P.5 are taken on record, subject to all just exceptions.

Crl. Misc. No. M-37754 of 2017

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case bearing FIR No.173 dated 30.06.2017 under Section 420 IPC and Section 7-10-55 of Essential Commodities Act registered at Police Station Agroha, District Hisar, Haryana.

Mr. Subhash Godara, Advocate has filed Power of Attorney on behalf of the complainant. The same is taken on record.

Learned counsel for the petitioner states that the allegation against the petitioner is that he has taken benefit of BPL Card despite the fact that the petitioner was not entitled to avail such benefit and has caused loss to the government.

The petitioner is in custody since 15.09.2017 and trial in the case will take long time and no prosecution witness has been examined so far.

On the other hand, learned State counsel, on instructions from HC Kuldeep Singh, does not dispute the custody period of the petitioner. However, he states that allegations against the petitioner are serious in nature.

Similarly, counsel for the complainant has opposed the bail application on the ground that the petitioner is a chronic RTI activist and is in habit of filing false complaint against the officers. For availing illegal benefit of BPL, petitioner is not entitled for bail.

I have heard learned counsel for the parties.

Be that as it may, but considering the fact that the petitioner is in custody since 15.09.2017 and the fact that the offences are triable by the Magistrate, the present petition is allowed and the petitioner is ordered to be admitted on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court.

The observations made hereinabove shall not be construed as an expression on the merits of the case.

October 13, 2017
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(HARI PAL VERMA)
JUDGE

Whether Speaking/reasoned?	Yes/No
Whether Reportable?	Yes/No