

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

CRM -M-40976 of 2016 (O&M)

Date of decision: 06.04.2017

Gurbax Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Rajinder Mathur, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

Jitendra Chauhan, J. (Oral)

CRM-11796-2017

Allowed as prayed for, subject to all just exceptions.

Main Case

By filing the present petition, under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No. 227 dated 12.06.2014, registered under Sections 406 and 409 of IPC, at Police Station Thanesar Sadar, District Kurukshetra.

It is contended that the petitioner superannuated on 31.05.2012. On the basis of his good work and conduct, the petitioner was given post retiral work upto 31.12.2012. The present FIR came to be registered on 12.06.2014 on the allegation that short fall was noticed during the period between 01.06.2012 till 31.12.2013. It is asserted that the petitioner was not in-charge of the goods at the

relevant time. The petitioner is in custody 06.10.2015.

On the other hand, learned State counsel opposes the bail application and submits that despite repeated reminders, the petitioner neither made the inventory nor sent the report in this regard.

I have heard learned counsel for the parties and perused the record.

There is nothing on record that any positive steps were taken to get the necessary physical verification of the stock. Otherwise also, the State does not require any permission or information for carrying out physical verification of the stock. Considering the fact that the petitioner is in custody since 06.10.2015; out of total 17 PWs, 13 PWs have been examined so far, therefore, it can be safely inferred that the trial is not likely to be concluded in the near future, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on her furnishing bail bonds and surety bonds to the satisfaction of the trial Court.

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

06.04.2017

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No