

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

CRM -M-776 of 2017 (O&M)

Date of decision: 31.01.2017

Ajay Kumar Mishra

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Fateh Saini, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

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 FIR No. 19 dated 30.01.2014, registered under Sections 406, 420, 467, 468, 471 and 120-B of IPC, at Police Station Mullana, District Ambala.

It is contended that the petitioner is in custody since 15.02.2016, however, the trial is yet to start as the charges have not yet been framed. Allegedly, an amount of Rs.49,900/- was misappropriated by the petitioner. The petitioner is ready and willing to pay the amount before the trial Court subject to the outcome of the trial. In support of his contentions, the learned counsel cites **Sanjay Chandra** Vs. **CBI**, (2012) 1 SCC 40.

On the other hand, learned State counsel opposes the bail application, however, he does not dispute the factual aspect of the matter.

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

Considering the fact that it is a magisterial trial; the petitioner is in custody since 15.02.2016; the investigation stands concluded; challan has been presented, however, the charges are yet to be framed, therefore, it can be safely inferred that the trial is not likely to be concluded in the near future and he has offered to deposit the whole amount of Rs.49,900/- allegedly credited into his account, without advertng to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds and on depositing the amount of Rs.49,900/-, 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.

31.01.2017
sumit.k

(JITENDRA CHAUHAN)
JUDGE

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