

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

CRM -M-9546 of 2017 (O&M)

Date of decision: 26.05.2017

Ishtiyak

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Keshav Pratap Singh, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana
assisted by ASI Ashwani Kumar

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. 567 dated 19.10.2015, registered under Sections 120-B, 409 and 420 of IPC, at Police Station Hodal, Palwal.

The allegation in the FIR are that the Director of Abhed Health & Pharmaceutical Society in connivance with the officials of the Welfare Department including the petitioner got sanctioned an amount of Rs. 21,71,700/-, towards the post matric scholarship without due verification regarding the recognition of the said institute.

It is contended by learned counsel for the petitioner that the petitioner had written a letter dated 28.03.2013 to the Director of the Welfare Department seeking clarification regarding the recognition of the institute in question. The said letter dated 28.03.2013 is taken on record

as Mark 'A'. He further states that the amount of scholarship was credited in the accounts of the students. The same was allegedly withdrawn by them and was handed over to the Director of institute. The petitioner did not receive any amount, when no clarification was received, the petitioner with *bona fide* intention relying upon the available record accorded the necessary approval. The petitioner is in custody since 31.01.2017.

On the other hand, the learned State counsel opposes the bail application.

Heard.

The factum of communication dated 28.03.2013, Mark 'A', by the petitioner addressed to the Director, Scheduled Castes & Backward Classed is not in dispute. Considering the fact that the investigation stands concluded; the challan has been presented; he is in custody since 31.01.2017, the conclusion of trial will take a long time, 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 his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate.

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

26.05.2017

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(JITENDRA CHAUHAN)
JUDGE

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