

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

CRM-M-9888-2017 (O&M)
Date of decision: 20.04.2017

RAKESH PAL KAPOOR & ANR

...Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present : Mr. D.S. Pheruman, Advocate and
Mr. Nakul Sharma, Advocate
for the petitioner (s).

Ms. Harsimrat Rai, DAG, Punjab

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioners have sought regular bail in FIR No.09 dated 16.02.2017, registered under Sections 420, 379 and 411 IPC, at Police Station Khem Karan, Distt. Tarn Taran.

Contents that petitioner No.1 is the owner of the vehicle and petitioner No.2 is the driver of the vehicle from which alleged recovery of food items meant for children as a part of the mid day meal had been effected. It is asserted that services of the petitioners were requisitioned by the Aganwari authority through co-accused, Urmila Devi. The petitioners are in custody since 16.02.2017. They are not involved in any other FIR, which is duly acknowledged by the learned State counsel.

On the other hand, the learned State counsel informs that the challan qua the present petitioners has been presented but charges have not been framed so far. She further submits that co-accused, Urmila Devi has so far not been arrested.

Heard.

Considering the facts that petitioners' services were engaged by co-accused, Urmila Devi, incharge of Aganwari authority, who is still at large; petitioners are not involved in any other FIR; challan qua the petitioners stands presented and charges are yet to be framed, trial is likely to take a long time, therefore, no purpose would be served in keeping the petitioners behind the bars.

Without adverting to the merits of the instant case, this petition is allowed. The petitioners be admitted to bail during the pendency of the trial, on their 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.

20.04.2017

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No