

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

Hemlata
2018.04.18 18:17
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CRM-M-1464-2018 (O&M)

Date of decision: 17.04.2018

Mangi Lal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Rakesh Nagpal, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

Ms. Jaideep Kaur, Advocate for
Mr. J.S. Thind, Advocate and
Mr. Balsher Singh, Advocate
for the complainant(s).

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in case FIR No. 15 dated 17.01.2017 under Sections 406, 420, 120-B, 506 of IPC (offence under Section 506 IPC added later on), registered at Police Station Ellenabad, District Sirsa.

Learned counsel for the petitioner submits that the petitioner was arrested on 09.07.2017 and since then, he is in custody. It is further submitted that challan has already been presented against the petitioner and charges are yet to be framed and there are 200 prosecution witnesses cited by the police who are yet to be examined. Counsel for the petitioner further submits that the offences are triable by the Court of Magistrate and it will take long time to conclude the trial and the petitioner is not involved in any other case.

Learned State counsel, on instructions from SI Raj Kumar and assisted by learned counsel for the complainants, has, however, opposed the prayer for bail of the petitioner on the ground that the allegations in the FIR are pertaining to a fraud of a huge amount of more than 5 crores of rupees.

Without commenting anything on merits of the case, considering the long custody period of the petitioner i.e. about more than 09 months and also in view of the fact that challan qua the petitioner has already been presented; the offences are triable by the Court of Magistrate and it will take long time to conclude the trial, the petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing two heavy sureties bonds to the satisfaction of the trial Court/Illaq Magistrate.

However, it is made clear that in case, any of the other co-accused is arrested or is sought to be investigated by the police, it will be open for the police to issue a written notice to the petitioner to join the investigation. It is also made clear that in case, the petitioner is found involved misusing the concession of bail, in any manner, it will be open for the prosecution to apply for cancellation of bail.

(ARVIND SINGH SANGWAN)
JUDGE

17.04.2018
Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No