

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

CRM-M No.21181 of 2018  
DATE OF DECISION:11.07.2018

Ashok Kuchhal

...Petitioner

Vs.

State of Haryana

...Respondent

**CORAM:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY**

Present: Mr. Vijay Kumar Jindal, Senior Advocate with  
Ms. Janya Sirohi, Advocate  
for the petitioner.

Mr. Ashish Sanghi, DAG, Haryana.

Mr. Anil Dutt, Advocate  
for the complainant.

**DAYA CHAUDHARY, J.(ORAL)**

Through the present petition filed under Section 439 Cr. P.C., the petitioner seeks regular bail in case FIR No.713, dated 06.11.2017, registered under Sections 109, 115, 116, 211, 384, 388, 389, 120-B of IPC(Section 195 has been dropped by the police during investigation) at Police Station Samalkha, District Panipat(Annexure P-1).

Earlier the petition for bail was filed at the initial stage which was dismissed as withdrawn. Now under the changed circumstances when the charge has been framed on 09.01.2018 after presentation of challan, and thereafter even a single witness has not been examined, the present petition has been filed.

Learned counsel for the petitioner submits that the petitioner

has falsely been implicated in the case whereas no offence has been committed by him. Earlier also a petition was filed against him for removal from the post of President of the Municipal Committee and petitioner approached this Court by way of filing CWP No.17806 of 2017 which was dismissed as withdrawn with liberty to avail the appropriate remedy. Learned counsel also submits that local MLA was having grudge because of filing said petition and he has been implicated in the false case subsequently. Petitioner was a mediator between two parties and the amount was kept with him which has been misused by the complainant at the instance of local MLA. Learned counsel submits that offence is triable by Magistrate and petitioner is in custody for the last more than nine months. After presentation of challan, charges have been framed and even a single witness has not been examined so far.

Learned State counsel has not disputed custody period as well as stage of the trial but he has opposed the submissions made by learned counsel for the petitioner on the basis of allegations levelled in the FIR and role of the petitioner. Specific allegations are there against the petitioner and he does not deserve the concession of bail.

Heard arguments of learned counsel for the petitioner and have also perused the contents of the FIR and other documents available on the file.

By considering the submissions made by learned counsel for the petitioner and also the fact that the dispute appears to be between the petitioner and the local MLA as on perusal of memo of parties in the writ

petition placed on record by learned counsel for the petitioner, he is one of the respondent and said petition was dismissed as withdrawn with liberty to avail the appropriate remedy. Thereafter, he has filed a complaint which is still pending. The amount which was with the petitioner has not been disputed by him and being the mediator the petitioner was stated to be believed by both the parties and amount was kept with him. Moreover, the allegations are matter of evidence to be looked into during trial by the trial Court. The petitioner is in custody for the last nine months and offence is triable by Magistrate and may take long time to conclude as even a single witness has not been examined so far.

Accordingly, the petition is allowed. The petitioner is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court.

**11.07.2018**  
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**(DAYA CHAUDHARY)**  
**JUDGE**

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|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |