

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

**CRM-M-22142-2018
Date of decision: 20.07.2018**

Pradeep Bhargav

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Sumeet Goel, Advocate &
Ms. Ramandeep Kaur, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

Mr. S. P. S. Sidhu, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition, filed under Section 439 of the Code of Criminal Procedure, for grant of regular bail to the petitioner in case FIR No. 643 dated 08.08.2017, registered under Sections 406, 420 and 34 of the IPC (*charge framed under Sections 408, 506 and 34 of the IPC*) at Police Station Sector 7, District Faridabad.

Learned counsel for the petitioner submits that as per the allegations in the FIR, the petitioner along with his brother Pankaj Bhargav were working in the firm of the complainant for the last one year preceding the date of FIR and being assigned the duty of *Munshi*/Accountant in the firm, they were collecting money on behalf of the firm from shopkeepers and they have not accounted for the same for a period spread over one year . When the complainant became suspicious about the non-deposit of the amount, they came to know that the petitioner and his brother have

embezzled a huge amount and have cheated the firm. Learned counsel for the petitioner submits that the petitioner is in judicial custody since 20.09.2017 and he is not involved in any other case. It is further submitted that the offences are triable by the Court of a Magistrate. It is also submitted that the charges were framed on 30.01.2018 and thereafter, till date, the complainant has not appeared as prosecution witness as per Annexure P-6 (Colly.) and the trial Court has issued warrants against the complainant for appearance before the trial Court.

Learned State counsel, on instruction from ASI Sanjay Kumar, has not disputed the factual position that the petitioner is in judicial lock up for the last 10 months and he is not involved in any other case. However, he submits that one prosecution witness i.e. an accountant has been examined.

Learned counsel for the complainant submits that the complainant will appear before the trial Court on the next date of hearing.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts that the petitioner is in judicial lock up since 20.09.2017; offences are triable by the Court of a Magistrate and also in view of the fact that trial is likely to take some time as after framing of charge, only one prosecution witness has been examined in the last six months; the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

July 20, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*