

Crl. Misc. No. M-26140 of 2018

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-26140 of 2018

DATE OF DECISION:22.10.2018

Mandeep Singh @ Monu

.....Petitioner

Versus

State of Haryana

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. P.S. Guliani, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to petitioner-Mandeep Singh @ Monu in case FIR No. 555 dated 14.7.2017 registered under Sections 408,420,411,120-B IPC and Section 13 of Gambling Act at Police Station Civil Lines, Karnal.

Learned counsel for the petitioner contends that the petitioner was not named in the FIR and no allegation was levelled against him. The petitioner was working as Hardware Engineer in AGS Transact Secure Value Ltd. The work assigned to him was only to repair the ATM machines in case of having received complaint of not functioning of the machines. The petitioner could only repair the machine in presence of two custodians and were accompanied by two guards and a driver. Learned counsel further

contends that the engineer cannot open the combination lock of the machine as the password of the machine was received by the custodian on his mobile directly and the machine can be opened only once in a day on that password. Learned counsel also contends that Investigation of the case has been completed and challan has also been presented before the Court. The petitioner is in custody since 28.7.2017 and nothing is to be recovered from him and no purpose would be served by keeping him in custody. There are total sixteen prosecution witnesses and only three have been examined. The offence is triable by Magistrate and co-accused, namely, Charanjit Singh, Mohit Batra, Vikas Kumar, Parveen and Arun have been released on bail by this Court and case of the petitioner is at par with them.

Learned counsel for respondent-State has not disputed the custody period as well as stage of the trial but opposes grant of bail to the petitioner on the ground of seriousness of the offence. Learned counsel further contends that in case the petitioner is released on regular bail, he may influence the witnesses or tamper with the evidence.

Without commenting anything on the merits of the case and keeping in view the facts that the petitioner is behind the bars for more than 15 months; offence is triable by Magistrate; out of total sixteen prosecution witnesses only three have been examined and co-accused, namely, Charanjit Singh, Mohit Batra, Vikas Kumar, Parveen and Arun have been released on regular bail by this Court, the present petition is allowed. Petitioner-Mandeep Singh @ Monu is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

However, it is made clear that in case the petitioner tries to influence any of the witnesses or tamper with the evidence and is found to

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be involved in any other case, the State is at liberty to move an application
for cancellation of bail.

October 22, 2018
pooja

(DAYA CHAUDHARY)
JUDGE