

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2689-2018
Date of decision: 16.02.2018

Gurdeep Singh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Partap Singh, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.279 dated 13.06.2017 under Sections 401/409/420/467/468/471/120-B IPC, registered at Police Station Ambala City, District Ambala.

Learned counsel for the petitioner submits that as per the allegations in the FIR, the petitioner was posted in the Judicial Malkhana, Ambala and has embezzled an amount of Rs.13,08,613/-, which was part of the case property in different cases. At the time of taking of charge by the successor of the petitioner, SI Sushil Kumar found the aforesaid amount/surities embezzled and the FIR was registered against the petitioner and one Naresh Kumar. Counsel for the petitioner further submits that investigation in the case is complete, recovery has already been effected and challan is presented before

the trial Court, therefore, the petitioner is not required for further custodial interrogation.

Learned counsel for the petitioner has further submitted that the petitioner has obtained the information under the Right to Information Act, 2005 regarding the date and place of his posting and as per the information given by the office of Superintendent of Police, Ambala, the petitioner was posted in police line on 28.10.2016 and the FIR was registered on 13.06.2017. It is further submitted that co-accused Naresh Kumar has already been granted the concession of regular bail by this Court vide order dated 15.01.2018 passed in CRM-M-37189-2017. Counsel for the petitioner has also submitted that conclusion of the trial will take long time, as all the offences are triable by the Court of Magistrate and the petitioner is in judicial lockup for the last about 08 months.

Learned State counsel, on instructions from ASI Mukesh Kumar, has opposed the prayer for bail on the ground that recovery is effected from the petitioner, however, has not denied that the challan has already been presented and charges have been framed on 18.12.2017.

Without commenting anything on merits of the case, considering the fact that the offences are triable by the Court of Magistrate; the petitioner is in judicial lockup since 15.06.2017; his co-accused Naresh Kumar has already been granted the concession of regular bail; challan has been presented and charges have been framed, this petition is allowed and the petitioner is directed to be released on bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for

cancellation of bail, if the petitioner is found involved misusing the concession of bail, in any manner. It is also made clear that in case the petitioner is required for any further investigation by the Special Investigating Committee, the petitioner shall join the investigation as and when required by them.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

16.02.2018
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No