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

**CRM-M No.305 of 2018
Date of Decision: 18.01.2018**

KAPIL SHARMA

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Adarsh Jain, Advocate
for the petitioner.

Mr. Satish Saini, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.820 dated 12.08.2017, registered under Sections 406, 420, 120-B, 170 and 177 IPC at Police Station Hisar Sadar, Distt. Hisar.

Perusal of impugned order dated 30.11.2017 shows that the trial Court has committed procedural wrong in deciding the application for grant of regular bail by treating the same to be under Section 438 Cr.P.C, whereas petition under Section 439 Cr.P.C. was filed on 24.11.2017.

As per allegations in the FIR, the complainant alleged

that he met Sonu from Faridabad at the house of B.P. Singh. Sonu told him that his friend Gajraj Singh is a Director in FCI Board and is very near to the Union Minister. Sonu took complainant and B.P. Singh into confidence and contacted Gajraj Singh on 18.04.2017. Gajraj Singh came to meet the complainant at Hotel Imperium. Complainant met Gajraj Singh with B.P. Singh, Sunil and Sushil. Gajraj Singh gave an impression that some posts are lying vacant in FCI Department and the needful can be done. Complainant believed the version of Gajraj Singh and on 21.04.2017, visited his house along with his nephews namely Sunil and Sushil. The amount was allegedly paid in the presence of B.P. Singh, Sunil, Sushil and Sanjay Mittal. Thereafter allegations were made in terms of offence under Section 406/420 IPC. The allegations were also made against the petitioner being PA to the aforesaid Gajraj Singh, who used to call police for providing VIP treatment.

Learned State counsel on instructions from ASI Surender Singh submitted that the challan has already been presented and the charges are yet to be framed.

At this stage, without adverting to the merits of the case, keeping in view the nature of allegations against the petitioner and the offence being triable by the Magistrate, I deem it appropriate to enlarge the petitioner on regular bail, who

is in custody since 13.11.2017.

In view of above, petition is allowed. Petitioner is ordered to be enlarged on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

January 18, 2018

Atik

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No