

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

**CRM-M No.32464 of 2018
Decided on: 07.08.2018**

Mukesh Kumar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Kshitij Sharma, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.152 dated 18.10.2016, for offence punishable under Sections 406, 420, 467, 468, 471, 120-B of the Indian Penal Code (in short 'IPC'), registered at Police Station Kalka, District Panchkula.

Counsel for the petitioner has submitted that the petitioner had joined the investigation during the pendency of his anticipatory bail application and has handed over all the relevant documents. It is further submitted that after dismissal of his anticipatory bail application i.e. CRM-M No.7684 of 2018, vide order dated 08.02.2018, the petitioner surrendered before the trial Court and is in judicial custody since 16.04.2018. It is also submitted that the complainant has named 04

persons in the FIR out of which 02 persons namely Rajbir and Anita were found innocent and no challan has been presented against them.

Counsel for the petitioner has also argued that the co-accused of the petitioner namely Suraj Bhan has already been granted the concession of regular bail vide order dated 02.06.2017 passed in CRM-M No.19459 of 2017.

Counsel for the petitioner has further submitted that the investigation against the petitioner is complete and challan has been presented before the trial Court, however, charges are yet to be framed. It is further submitted that the conclusion of the trial will take some time as all the offences are triable by the Court of Magistrate.

Counsel for the State, on instructions from ASI Zile Singh, has not disputed the factual position, however, opposed the prayer for bail on the ground that the allegations against the petitioner are that he has taken Rs.24 lacs, out of which Rs.02 lacs has been recovered during investigation.

Without commenting anything on merits of the case and considering the fact that the petitioner is in judicial lock up since 16.04.2018; the co-accused of the petitioner has already been granted the concession of regular bail; challan stands presented and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

It will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case

or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

07.08.2018
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No