

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

**CRM No.M-37189 of 2017
Decided on: 15.01.2018**

Naresh Kumar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Munish Behl, Advocate for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.279 dated 13.06.2017, for offence punishable under Sections 201, 409, 420, 467, 468, 471 and 120-B of the Indian Penal Code (in short 'IPC') registered at Police Station Ambala City, District Ambala.

Counsel for the petitioner has submitted that the petitioner, at the time of registration of the FIR, was posted in Police Station Ambala City and he had moved various application for handing over the charge of judicial malkhana, however, no action was taken by the competent authority. Counsel for the petitioner has further submitted that the recovery was not effected from the petitioner rather the same was effected from the co-accused HC Gurdeep Singh. It is further argued that all the offences are triable by the Court of Magistrate and the petitioner is in judicial custody since 14.06.2017.

Counsel for the petitioner has further argued that the allegations regarding misappropriation of the gambling amount pertains

to the month of February, 2015 whereas the petitioner joined in the month of July, 2015.

Counsel for the State, on instructions from ASI Lal Chand, has opposed the prayer for bail and has filed a reply by way of an affidavit of Deputy Superintendent of Police, Ambala. As per para 9 of the reply, it is stated that challan against the petitioner has already been submitted and charges have been framed on 18.12.2017. It is further submitted that by constituting a Special Investigating Committee further investigation is going on.

Without commenting anything on merits of the case and considering the fact that the offences are triable by the Court of Magistrate; the petitioner is in judicial custody since 14.06.2017; challan has already been presented and charges have been framed and in view of the reply filed by the Deputy Superintendent of Police, Ambala, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa 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.

15.01.2018
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(ARVIND SINGH SANGWAN)
JUDGE

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