

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-43147 of 2018
Date of Decision: 05.10.2018

Rajnish

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

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

Ms. Dimple Jain, AAG, Haryana.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.86 dated 07.02.2017 registered for offences punishable under Sections 409/420/120-B of Indian Penal Code (for short, "IPC") at Police Station Civil Lines Karnal, District Karnal.

Heard.

As per case of prosecution, the petitioner has embezzled an amount of ₹7,85,106/-, which was deposited by the public in the account of Municipal Corporation, Karnal towards payment of taxes. Earlier also there was allegation of embezzlement of ₹1,97,955/- against the petitioner in March, 2016, which amount was deposited by him on 25.03.2016.

Learned counsel for the petitioner submits that the petitioner has been in custody since 09.01.2018. During investigation, it has been found that the main culprit is Inderjit Singh, who had also given two cheques of ₹4,20,000/- and ₹4,00,000/- respectively but those cheques

could not be encashed as there was no amount in his account.

Learned State counsel submits that the petitioner has earlier also embezzled the amount but has deposited the same. Though, Inderjit Singh had given two cheques, as per statement of complainant, but during investigation Inderjit Singh has denied the issuance of any cheque by him.

Keeping in view above facts and that the matter is still under investigation against other accused; challan against the petitioner has been presented in Court; and conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Rajnish is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

October 05, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No