212.

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-50822-2018
Date of decision:26.11.2018.

DHARAM PAL @ MODAR ... Petitioner

Versus

STATE OF HARYANA .... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

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

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J.*(Oral)*

This is second petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.846 dated 12.07.2018 registered under Sections 406, 420, 506 IPC at Police Station City, Karnal.

Learned counsel for the petitioner has stated that the petitioner had earlier approached this Court by way of CRM-M-40914-2018 for the similar relief, but the said petition was withdrawn vide order dated 21.09.2018 as at that time, the matter was under investigation and challan has not been presented in the case. He has argued that bare perusal of the FIR nowhere suggests that there is any evidence to the effect that money was ever paid to the petitioner by the complainant Neelam Devi. It is difficult to believe that such a huge amount can be given without there being any acknowledgment/receipt. Now, challan has been presented in the case and there is no document in the challan which can suggest that money

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was ever paid to the petitioner. Even otherwise, the petitioner is in custody since 22.08.2018.

Learned State counsel, on instructions from ASI Gulwinder Singh, states that it is on the basis of the disclosure statement of the petitioner, an amount of Rs.8,000/- has been recovered from him and as such, he is not entitled for grant of bail.

Heard.

The argument of the learned counsel for the petitioner that there is no such receipt or acknowledgement issued by the petitioner cannot lightly be ignored, but at the same time, considering the fact that the offences are triable by a Magistrate and the petitioner being in custody since 22.08.2018, this Court finds that the trial in the case will take long time and the earlier petition which was dismissed as withdrawn vide order dated 21.09.2018 as at that time, challan was not presented. Now the challan has been presented, coupled with the fact that this is the second petition with changed circumstances, his culpability is yet to be established during the course of trial, petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

Accordingly, present petition is allowed.

(HARI PAL VERMA)
JUDGE

26.11.2018
sanjeev

Whether speaking/reasoned Yes/No.
Whether Reportable: Yes/No.

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