

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9223-2018

Date of decision: 03.07.2018

Sushil Kumar Jha

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. R.K. Girdhwal, Advocate and
Mr. Ajay Kaushik, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

This is 2nd petition for grant of regular bail in FIR No.1119 dated 19.12.2016 under Sections 406, 420, 467, 468, 471, 506, 120-B IPC, registered at Police Station Jhajjar, District Jhajjar.

Learned counsel for the petitioner submits that first bail petition was dismissed on 15.09.2017 and thereafter, the prosecution has failed to conclude its evidence. Counsel for the petitioner has relied upon the interim orders passed by the trial Court (Annexure P-2 colly.) to show that subsequent to 15.09.2017, the case has been adjourned number of times, however, no prosecution witness was present and the trial Court has even issuedailable warrants against the prosecution witnesses. A perusal of the orders passed by the trial Court even shows that an application under Section 311 Cr.P.C. has

been filed by the prosecution and on that account, the case is being adjourned for filing reply.

Learned counsel for the petitioner on merits has submitted that the allegations against the petitioner are with regard to receiving some amount from the complainant on account of providing him a job in Railways Department. It is further submitted that the petitioner was arrested on 12.07.2017, challan has been presented, it is evident from the interim orders that the case is fixed for prosecution evidence and the petitioner is no more required for any further custodial investigation.

Learned counsel for the petitioner has further submitted that co-accused of the petitioner namely Ravi Kumar has been granted the concession of regular bail vide order dated 16.02.2018 passed in CRM-M-5298-2018. It is further submitted that since the offences are triable by the Court of Magistrate and no evidence is being produced, it will take some time in conclusion of the trial.

Learned State counsel has filed the custody certificate dated 02.07.2018 and on instructions from HC Parveen Kumar, has submitted that one prosecution witness has been examined in part and the petitioner is involved in one more FIR registered in the same district.

Without commenting anything on merits of the case, considering the fact that the petitioner is in judicial lockup for the last about more than 11 months; trial of the case is moving at the slow pace and it is evident from the various zimini orders passed by the trial Court that only one PW has been examined so far and also in view of the fact that co-accused of the petitioner Ravi Kumar has already been granted the concession of regular bail, this

petition is allowed and the petitioner is directed to be released on bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

03.07.2018

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**[ARVIND SINGH SANGWAN]
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No