

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

221

**CRM-M No. 33410 of 2018
Decided on: 28.2.2019**

Vipin

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Ajay Saini, Advocate, for the petitioner

Mr. R.S. Doon, AAG, Haryana

Daya Chaudhary, J.(Oral)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.778 dated 7.7.2017, under Sections 406, 420, 506 and 34 IPC, registered at Police Station City Panipat, District Panipat.

Learned counsel for the petitioner submits that Section 406 IPC was deleted subsequently and no charge has been framed under this section. He also submits that the petitioner has falsely been implicated in this case whereas he is not involved. Learned counsel submits that owner of the company has been declared proclaimed offender vide order dated 8.10.2018. The amount was deposited in the account of the company and the petitioner is not the beneficiary in any manner. He is in custody since 20.4.2018 and out of 10 prosecution witnesses, only two witnesses have been examined. The application under Section 319 Cr.P.C. moved by the prosecution is still pending. Trial may take some time to conclude and no useful purpose would

be served by keeping the petitioner behind the bars.

Learned State counsel has not disputed examination of two prosecution witnesses out of ten witnesses and custody of the petitioner since 20.4.2018.

Keeping in view the custody of the petitioner since 20.4.2018 and also the facts that out of total 10 prosecution witnesses, 2 have been examined; the application under Section 319 Cr.P.C. is still pending and in case, the same is allowed, it will be a de-novo trial, the present petition is allowed. Petitioner is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(DAYA CHAUDHARY)
JUDGE

28.2.2018

Ashwani

Speaking/Non-speaking : Yes/No
Reportable/Reasoned : Yes/No