

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-43111-2018 (O&M)
Date of Decision:- 30.1.2019

Vinod Kumar ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Karan Pathak, Advocate for the petitioner.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana.

* * * * *

GURVINDER SINGH GILL, J.(Oral)

By way of filing this petition, the petitioner seeks grant of regular bail in respect of a case registered vide FIR No.67 dated 23.2.2018 at Police Station Butana, District Karnal under Sections 420, 406 and 34 of Indian Penal Code, 1860.

The allegations, in nutshell, are that the complainant Food and Supply Department, Haryana had entrusted 40322.80 Quintals of paddy for milling during the year 2013-2014 as per the agreement dated 10.10.2013 entered into between the parties. It is alleged that the petitioner, however, did not return the 'compressed milled rice' as per agreement and had thus misappropriated the same, the amount of which works out to ₹9,77,52,152/-.

The learned counsel for the petitioner has submitted that infact the petitioner had always been willing and ready to return the rice in question but it is the complainant, which had not provided the linkage,

where the rice was to be stored after milling. It has further been submitted that although the period in question is 2013-2014 but the FIR came to be lodged much later i.e. in the year 2014.

Opposing the petition, the learned State counsel has submitted that in view of the huge amount involved, no case for grant of bail is made out. It has, however, been informed that the petitioner has been in custody since 23.7.2018 and that challan has already been presented in the month of September 2018. It has further been informed by learned State counsel, upon instruction from Sub Inspector Jagbir Singh, who is present in Court, that charges are yet to be framed and as many as 16 prosecution witnesses have been cited.

Having considered rival submissions addressed before this Court and while bearing in mind the fact that it is almost more than six months that the petitioner has been behind bars and that the trial is yet to commence as charges have not been framed so far, no useful purpose will be served by detaining the petitioner behind bars any further. The petition, as such, is accepted. The petitioner Vinod Kumar is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

This present petition stands accepted accordingly.

30.1.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No