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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22851-2019
Date of decision-18.07.2019

Ajay Kumar Sharma

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ramesh Hooda, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana assisted by
SI Somnath.

Mr. Alok Mittal, Advocate for the complainant.

MANOJ BAJAJ, J.

Petitioner-Ajay Kumar Sharma has prayed for grant of regular bail in case FIR No.200 dated 20.04.2019 under Sections 420, 406 and 120-B of Indian Penal Code registered at Police Station City Yamuna Nagar, District Yamuna Nagar.

On 19.04.2019, at about 2.35 p.m. complainant, Labh Singh, Cane Shift In-charge was taking round of the Sugar Mill. He saw driver of tractor trolley No.RA-485 was reversing the same from the weighing bridge. On a query put to him, he told that empty trolley was not being weighed on the said machine whereas he noticed that receipt was being printed. On suspicion, he checked the printed receipt and compared the same with the card of the driver of the tractor trolley and found both mismatched. The matter was reported to the authorities and on inquiry, Ankit Sharma

disclosed that he alongwith Ajay Kumar who was working in the Sugar Mill and some other persons were involved in causing wrongful loss to the Sugar Mill for their gain.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case as neither he was present on the spot nor has been named in the FIR. He further contends that the allegation in the FIR pertains to multiple weighment of the sugar loaded transport vehicles and obtaining of excess payment from the sugar mill. He submits that the petitioner was indicted on the disclosure statement of co-accused Ankit. According to him, the offences are triable by Magistrate and qua the petitioner the investigation is complete. He submits that the trial is likely to consume some time as the other accused are yet to be arrested.

On the other hand, Mr. Alok Mittal, learned counsel for the complainant has opposed the prayer on the ground that the petitioner had actively participated in the crime and facilitated multiple weighment of the trolleys which used to carry sugarcane and on the basis of those weighment slips, the payment used to be made to the farmers. However, he is unable to point out the actual loss suffered by the complainant.

Learned State counsel assisted by SI Somnath has apprised the Court that challan stands filed on 13.06.2019 and the other accused are yet to be arrested.

Considering the above and the fact that the investigation qua the petitioner is complete and the trial is likely to consume some time, further detention of the petitioner may not be justified. Therefore, without meaning

any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court, Yamuna Nagar.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

18.07.2019
vanita/Vijay Asija

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