

220

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

CRM-M-24335 of 2019

Date of decision: July 08, 2019

Shammi Kapoor

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Jai Vir Yadav, Advocate for the petitioner.

Mr. Arun Beniwal, DAG Haryana.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail to the petitioner, in FIR No.940 dated 29.11.2018, under Sections 147, 149, 323, 427, 379-B, 420, 120-B of Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Sadar Bhiwani.

Custody certificate dated 06.07.2019 filed by learned State counsel, today in Court, is taken on record.

As per prosecution case, there are no direct allegations against the petitioner regarding receipt of any amount or cheques in question.

Contentends that petitioner is neither the beneficiary; nor any amount has been received by him, rather as per allegation of the prosecution itself, it was Braham Parkash against whom receipt of cheques have been made. Further contends that after investigation, challan has already been presented and there is no other criminal case

pending against him.

The above factual position is duly acknowledged by the learned State counsel, on instructions from police official present in Court to assist him.

Since the case is triable by the Magistrate and investigation is already over and even during investigation, nothing incriminating has been recovered from the petitioner, and the trial will take long time; thus, his further incarceration will not serve any useful purpose.

In view of the above, this petition is allowed. Petitioner is ordered to be released on bail, in this case, on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

The petitioner shall fully co-operate with learned trial Court without seeking any unnecessary adjournments.

(MAHABIR SINGH SINDHU)
JUDGE

July 08, 2019
mahavir

Whether speaking/ reasoned: **Yes**

Whether Reportable: **No**