

217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30702-2019
Date of decision-24.10.2019

Ram PalPetitioner
Vs.
State of Haryana ...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Gautam Dutt, Advocate for the petitioner.
Mr. Sanjay Kumar Saini, AAG, Haryana.

MANOJ BAJAJ, J.

Petitioner-Ram Pal has prayed for grant of regular bail under Section 439 Cr.P.C in case FIR No.339 dated 31.10.2015 registered under Sections 406, 420, 467, 468, 471 and 120-B of Indian Penal Code, 1860 at Police Station Taraori, District Karnal.

As per the FIR, present petitioner being partner of M/s Mahalaxmi Rice Mill took cash credit (Hypothecation & Book Debts) limit for Rs.30 lakhs for business of rice. All the partners of the firm, at that time i.e. Ram Pal, Shish Pal, Anoop Singh and Ravinder Kumar, executed loan and security documents in favour of the bank on 10.07.1998. The credit facility was later extended to Rs.6.20 crores. Ram Pal and Jangsher produced partnership deed dated 01.04.2004 and mortgaged the property i.e. land measuring 8 kanals. As per the allegations, the property in question was already transferred by the petitioner before mortgaging the same with the bank. Furthermore, it has also come to the notice of the bank that hypothecated stock of paddy etc. was also disposed off. Besides allegations

of forgery was also levelled.

Learned counsel for the petitioner submits that the petitioner is suffering from poor health and has been operated upon. He has invited the attention of the Court to the observation made by the Hon'ble Apex Court in the order dated 30.11.2018. Further, reliance has been placed upon the order dated 13.09.2019 passed by this Court in CRM-M-21578-2018 wherein the concession of regular bail was extended to the petitioner in case FIR No.414 dated 24.10.2016 registered under Sections 406, 420, 467, 468 and 471 IPC at Police Station Taraori, District Karnal, considering the ailing health.

On the other hand, learned State counsel opposed the prayer, however, it is not disputed that 12 prosecution witnesses including the material official witness of the Bank (complainant) have been examined by the prosecution and still 15 witnesses are yet to be examined by the prosecution.

After hearing learned counsel for the parties, this Court is of the opinion that trial of the case is likely to consume considerable time therefore, further custody may not be justified. Resultantly, 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/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

24.10.2019

vanita

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