

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

CRM-M-49042-2019
Date of decision: 06.12.2019

Sukhchain Punia

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Naveen S. Bhardwaj, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 28 dated 31.01.2018, registered under Sections 406 and 420 of the IPC at Police Station Arya Nagar, Rohtak, vide which, the *challan* has been submitted under Sections 406, 409, 420, 467, 468, 471, 120-B of the IPC and Section 13 of the Prevention of Corruption Act, 1988.

Learned counsel for the petitioner submits that as per the allegations in the FIR, registered at the instance of complainant Inder Pal Singh, DPDO, Rohtak, it is alleged that one Amit Kumar had been fraudulently withdrawing the pension of one Bhim Singh, who had died on 31.01.2015 and a huge amount has been withdrawn. During investigation, it was found that a racket was involved in withdrawing the pension of several dead pensioners and petitioner along with co-accused Amit Kumar, who

was running Q-net Company, were also found involved in the same.

Learned counsel for the petitioner further submits that as per investigation, an amount of Rs. 1,20,000/- was transferred to the account of petitioner and Rs. 3,00,000/- was transferred to the account of his father.

Learned counsel for the petitioner further submits that petitioner is not involved in any other case; he is in judicial custody since 19.03.2019 and it will take a long time in conclusion of trial as no prosecution witness has been examined so far.

Learned counsel for the petitioner further submits that to his bona fide, the petitioner is ready to deposit a sum of Rs. 4,20,000/- with the trial Court/Illaqua Magistrate, subject to his right of defence and final outcome of the case.

Learned State counsel, on instructions from HC Ashwin and on the basis of the custody certificate filed today in Court, has not disputed the fact that during investigation, it has been found that aforesaid amount was deposited in the account of petitioner and his father.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that petitioner is in judicial custody since 19.03.2019; he is not involved in any other case and also in view of the fact that conclusion of trial is likely to take a long time as examination of the prosecution witnesses is yet to start, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety to the satisfaction of the trial Court/Duty Magistrate concerned and on deposit of Rs. 4,20,000/- with the trial Court/Illaqua Magistrate, which shall be kept in an FDR,

subject to final outcome of the case.

The deposit of aforesaid amount shall not cause any prejudice to the right of defence of the petitioner.

06.12.2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No