

280

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51912-2019

Date of decision-16.12.2019

Sandeep Rathor @ Parkash Parmar @ Sandip Bhai

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rahul Rampal, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

Mr. Deepak Sabherwal, Advocate for the complainant.

MANOJ BAJAJ, J.

Petitioner has preferred this petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.371 dated 01.11.2017 under Sections 406, 420 and 120-B of Indian Penal Code, 1860 (Sections 411 and 414 IPC added later on) registered at Police Station Zirakpur, District SAS Nagar. The petitioner is in custody since his arrest on 31.07.2019.

The FIR was registered on the complaint made by Bhushan Garg, Director Pee Kay Scaffolding and Shuttering Ltd. wherein it was alleged that accused persons took scaffolding and shuttering material on hire basis from the complainant and agreement in this regard was also entered into between the parties on 19.05.2017. Thereafter, accused persons paid

Rs.29,76,539/- to the complainant against hire charges but they did not pay the remaining due amount of Rs.22,99,390/-. The accused persons allegedly misappropriated the scaffolding and shuttering material to the complainant worth Rs.4,95,60,000/-

Learned counsel for the petitioner contends that the investigation of the case is complete and challan stands filed and the charges are yet to be framed. Therefore, further custody of the petitioner is not required. He further invited the attention of the Court to the order dated 29.10.2019 (Annexure P-2) passed by this Court, whereby concession of regular bail has already been granted to co-accused-Akhil Parmar.

On the other hand, learned counsel for the complainant as well as learned State counsel who is assisted by ASI Baljinder Singh opposed the prayer. However, it is not disputed that case of the petitioner is at par with co-accused, namely, Akhil Parmar who has been granted the concession of regular bail by this Court.

Learned counsel for the petitioner submits that Section 419 IPC has been added later on at the time of filing of challan. This fact is not disputed by learned State counsel.

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 detention of the petitioner may not be justified, particularly when the investigation of the case is complete. 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.

16.12.2019

vanita

(MANOJ BAJAJ)
JUDGE

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