

216

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

**CRM-M No.8862 of 2020
Date of Decision: 06.03.2020**

SATISH @ KAKU

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. M.R. Sharama, Advocate
for the petitioner.

Mr. Surender Singh, A.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.191 dated 18.10.2016, registered under Sections 406/420 IPC and Sections 8 & 9 of the Prevention of Corruption Act, 1988 at Police Station Ghula District Kaithal.

Learned counsel for the petitioner submitted that earlier the petitioner was granted anticipatory bail. The FIR was registered against two accused namely Satish @ Kaku (petitioner) and Joga Singh. Joga Singh filed a CRM-M No.46121 of 2016 for quashing of FIR on the basis of

compromise. The said petition was allowed and the FIR was quashed along with all consequential proceedings arising therefrom qua Joga Singh. Present petitioner remained under *bona fide* belief that since the FIR in question has been quashed along with all consequential proceedings, therefore, the order would apply qua him as well.

Prior to 23.05.2018, petitioner was appearing in the trial Court regularly, but he absented on 23.05.2018, resulting in cancellation of his bail and the bail bonds and surety bonds were forfeited to the State. Thereafter, the petitioner was arrested in some other case and he was produced on production warrant in the present case.

Learned counsel for the petitioner submitted that all the material witnesses have turned hostile and they have not supported the case of the prosecution.

Learned State counsel on instructions from ASI Tarsem admitted the aforesaid factual position. Learned State counsel submitted that out of 12 prosecution witnesses, only 7 witnesses have been examined so far. Trial of the case may take some time in its culmination.

Looking to the factual position at this stage, without advertng to the merits of the case, I am of the view that

petitioner, who is in custody since 06.11.2019 can be enlarged on bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

March 06, 2020	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No