

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

CRM-M No.12031 of 2020 (O&M)

Decided on: 08.05.2020

Mukesh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Rajeev Sharma (Raju), Advocate
for the petitioner (through video conferencing)

Mr. Chetan Sharma, AAG, Haryana.
(through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.448 dated 05.06.2018, for offence punishable under Sections 406, 420, 467, 468 and 471 of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station City Sonapat, District Sonapat.

Counsel for the petitioner has argued that the petitioner is the proprietor of M/s. Royal Star Securities (Regd.), which is an outsourcing agency and was given a contract by the Sonapat Central Co-operative Bank Limited, Sonapat for providing security to its bank. It is further argued that initially, the contract was terminated by the bank for which he has filed CWP No.27543 of 2017 in which notice has been issued for 08.07.2020. It is also submitted that, thereafter, the

agency was blacklisted by the Bank and he had filed another writ petition i.e. CWP No.12409 of 2018, which is also ordered to be heard with the first writ petition. It is also submitted that subsequently the FIR has been registered with the allegation that the petitioner has not deposited the Provident Fund, ESI, service tax, etc.

Counsel for the petitioner has further argued that the offences are triable by the Court of Magistrate and the charges were framed on 24.02.2020. Counsel for the petitioner has relied upon the subsequent zimini orders vide which the case was fixed for prosecution evidence but the same is not completed despite a lapse of 60 days prescribed under Section 437(6) Cr.P.C. and therefore, it is requested that the petitioner be granted the default bail. It is also submitted that the petitioner is involved in any other case and the FIR is just a counter blast to the writ petitions filed by the petitioner.

Counsel for the State, on the other hand, has argued that the allegations in the FIR are of embezzlement of huge amount and submission of forged challans. It is also submitted that the zimini orders reproduced in para 10 of the petition which are passed by the trial Court adjourning the case for recording the evidence, are not disputed.

Without commenting anything on merits of the case, considering the allegations in the FIR as well as the fact that till date, no prosecution evidence has been recorded and the conclusion of the trial will take long time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

08.05.2020
yakub

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No