

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.14605 of 2020
Date of Decision: June 25, 2020

Rambir

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rajesh Lamba, Advocate,
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner-Rambir has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.19 dated 21.08.2018, under Sections 420, 467, 468, 471 and 120-B IPC, registered at Police Station SVB Hisar, District State Vigilance Bureau, pending trial. The petitioner is in custody since his arrest on 24.01.2020.

The above FIR was registered against the petitioner by State Vigilance Bureau on the allegations that the petitioner was working as a part time Data Entry Operator in Public Health Engineering Division, Charkhi Dadri and got prepared false bill book and quotations pertaining to Shree Ram Enterprises, Shop No.4, Shopping Complex, Charkhi Dadri, whereas, in fact no such firm in the name of Shree Ram Enterprises existed at all.

Shop No.4 in Shopping Complex, Charkhi Dadri was of the firm, namely,

Shree Ram Infotech owned by one Vinay Kumar. On the basis of the bills issued in the name of Shree Ram Enterprises, the petitioner got sanctioned a sum of 1,88,312/- and deposited the same in the current account of the same firm. During investigation, it was observed that the accused was initially working in the firm Shree Ram Infotech as well as part time Data Entry Operator and he himself got prepared a false bill book and also opened the account in the name of the firm by showing its address as that of Shree Ram Infotech and thereby showing the firm, he purchased the articles from the market and made the payment to the fake firm. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that the allegations levelled in the FIR may not strictly constitute an offence as the department has not suffered any loss. According to him, the case set up by the prosecution is that the material was purchased by the government department without inviting quotations from the other suppliers. He submits that the investigation of the case is complete and, therefore, further custody of the petitioner may not be necessary as the offences are triable by Magistrate.

On the other hand, learned State counsel, who is assisted by Inspector Yashbir, has opposed the prayer on the ground that the petitioner himself prepared fake quotations with the connivance of the officials of the department and the role of the officials of the department is being investigated. It is not disputed by him that the cognizance of the said offence was taken in the year 2018 and the petitioner was arrested only on 24.01.2020. He submits that the challan against him has been filed on 03.03.2020.

Considering the above, custody of the petitioner and the fact that the trial is likely to consume considerable time in view of the spread of global pandemic, namely, COVID-19 as the State Administration has imposed restrictions to curb its spread, so no useful purpose would be served by keeping the petitioner behind the bars. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Bhiwani.

The petition is allowed.

June 25, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No