

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

CRM-M-17021-2020(O&M)

Date of Decision: 16.07.2020

KAMAL NAYAN

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Parminder Singh, Advocate,
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana

ANIL KSHETARPAL, J.

Present petition has been filed by the petitioner, namely, Kamal Nayan, under Section 439 Cr.P.C. for grant of regular bail in FIR No. 131, dated 08.08.2017, registered under Sections 420/406 IPC, at Police Station Sadhaura, District Yamuna Nagar.

As per the case of the prosecution, the petitioner was entrusted 8546 quintals of paddy for de-husking. The petitioner has returned 5725.82 quintals of rice, whereas remaining paddy/rice has not been returned. The default is of the year 2015-16.

Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

Learned counsel for the petitioner contends that the civil suit for recovery of the defaulted amount as well as proceedings under Section 138 of the Negotiable Instrument Act, 1881 against the petitioner are pending. He further submits that the rice mill along with the adjoining land, a shop of the petitioner has already been attached. He submits that the petitioner is ready to settle the matter with the Haryana Agro Corporation Limited.

On the other hand, learned counsel appearing for the State of Haryana has submitted that the petitioner is alleged to have syphoned off paddy belonging to the Government agency.

The petitioner is in custody since 17.05.2020. The case is triable by a judicial Magistrate. Conclusion of the trial is likely to take time.

Keeping in view the facts of the case, this Court is of the considered view that further incarceration of the petitioner would not be appropriate, at this stage.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is in custody since 17.05.2020 and conclusion of the trial is likely to take time, the petitioner is directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

Accordingly, the present petition is allowed with the aforesaid directions.

(ANIL KSHETARPAL)
JUDGE

July 16, 2020

“nt”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No