

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

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**CRM-M No.31089 of 2020
Date of decision:08.10.2020**

Balraj

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Anshumaan Dalal, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.69, dated 27.02.2020, registered under Sections 420, 467, 468, 201, 471 IPC at Police Station Sector 14, Panchkula, District Panchkula.

Counsel for the petitioner has argued that the allegation against the petitioner is that he was a partner in a Limited Liability Partnership (LLP) to the extent of 50%. His firm had applied for a tender invited by Haryana Renewable Energy Department (HAREDA) and had submitted a turn-over certificate, which on verification, was found to be forged. Counsel contends that the certificate was verified from a Chartered Accountant, whose report is doubtful. He submits that after the award of

the tender, the firm started executing the allotted work to the satisfaction of the Department as is apparent from inspection reports, Annexure P-2 and P-3. According to the counsel, certain payments against running bills raised by the firm were made by the Department, but payment of more than Rs.68 Lacs has been stopped by the department after the registration of the FIR. He submits that the department by letter dated 25.02.2020, Annexure P-4, blacklisted the firm. Counsels urges that the petitioner is behind bars since 20.06.2020 and is suffering from diabetes as is clear from the medical certificate, Annexure P-5 and is at a high risk of infection of corona virus, if he remains lodged in prison.

Per contra, State counsel, upon instructions from SI Sukhbir Singh has opposed the petition and submitted that the firm in which the petitioner is a partner has been awarded tender on basis of a forged turnover certificate and received payment of more than Rs.48 Lacs from the department. He has instructions to state that challan has been presented on 27.08.2020 and charges are yet to be framed. On further instructions, he states that petitioner has unblemished antecedents.

I have considered the rival submissions of the parties.

Considering the nature of allegation, gravity of offence, the susceptibility of the petitioner to the contagion and also the fact that the trial is likely to take time to conclude because of the pandemic, no purpose would be served by keeping the petitioner in further detention. Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of trial Court/Duty

Magistrate.

08.10.2020

pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No