

**217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-31552-2020
Date of decision-13.10.2020**

Prince **....Petitioner**
Vs.
State of Haryana **...Respondent**

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Vishal Nehra, Advocate for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.287 dated 23.06.2019 registered under Sections 420, 406 and 120-B Indian Penal Code, 1860 at Police Station City Tohana, District Fatehabad. The petitioner is in custody since his arrest on 28.02.2020.

The FIR was registered on the complaint moved by Mange Ram Modi, who is partner of Bajrang Agro Industries, wherein it was alleged that on 17.03.2019, 300.45 quintals of rice costing Rs.19,02,149/- was sold to M/s P.K.Overseas vide Bill No.563 through Rahul Sharma @ Sunny. Accused- Rahul Sharma along with Ram Bhagat Trader got unloaded the said rice in their own godown fraudulently. Neither the payment was made nor goods were returned by Rahul. On these broad allegations, FIR was registered.

Learned counsel for the petitioner contends that the allegations in the FIR were levelled against accused-Rahul Sharma and petitioner was not named in the FIR. He submits that according to prosecution, the

has been indicted in the case as an accused. He submits that the investigation of the case is complete and offences are triable by Magistrate, therefore, his further custody may not be necessary. He prays that the petitioner be released on bail during the pendency of the trial.

On the other hand, learned State counsel assisted by SI Sadhu Ram does not dispute this fact that the investigation of the case is complete but according to him, charges are yet to be framed.

After hearing the learned counsel for the parties, this Court finds that the investigation of the case is complete, however, charges are yet to be framed and offences are triable by Magistrate. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may further delay the conclusion of trial. Admittedly, the petitioner is presently confined in judicial custody since 28.02.2020 and his further detention may not be necessary for any useful purpose, therefore, this Court does not find any reason to decline the prayer.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

13.10.2020

vanita

Whether speaking/reasoned :

Whether Reportable :

Yes

Yes

(MANOJ BAJAJ)

JUDGE

No

No