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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.33333 of 2020 (O&M)
Decided on: 03.11.2020

Ashok Kumar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Balraj Gujjar, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this 3rd petition is for grant of regular bail to the petitioner in FIR No.150 dated 21.06.2018 registered under Sections 471, 204, 409, 420, 467, 468, 120-B IPC and 13(1), 13(2) of the Prevention of Corruption Act, at Police Station Bawani Khera, District Bhiwani.

The first one was dismissed as withdrawn on 02.05.2019 whereas the second petition was dismissed by this Court on 12.12.2019, by passing a detailed order.

Counsel for the petitioner has submitted that the new ground for filing this petition is that the co-accused of the petitioner has already been granted the concession of regular bail by the trial Court and secondly, the custody of the petitioner has exceeded more than 02 years as he is in custody since 13.09.2018.

Counsel for the petitioner has argued that out of 74 prosecution witnesses, none of the prosecution witness has been

CASE HEARD THROUGH VIDEO CONFERENCING

examined and it will take long time in conclusion of the trial.

Counsel for the petitioner has further submitted that the embezzled amount already stands deposited by the co-accused Satbir Singh (Postman) and the petitioner, in pursuance to the FIR, has already lost his job.

Counsel for the State, could not dispute the factual position but opposed the prayer for bail.

Though, the second petition for grant of regular bail was dismissed by this Court by passing a detailed order on 12.02.2019 considering the fact that the petitioner has embezzled the public money and the FIR was registered on the basis of a preliminary enquiry conducted by the department as detailed in the FIR, however, considering the fact that after dismissal of his second petition till date, no PW has been examined and a period of about 11 months has passed and the total custody is more than 02 years and 74 PWs are yet to be examined, 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/Illaq 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.

(ARVIND SINGH SANGWAN)
JUDGE

03.11.2020

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Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No