

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

CRM-M-4807-2021

Date of decision:08.04.2021

Anil Kumar

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Arun Kumar Vasudeva, Advocate for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

CRM-7684-2021

Application is allowed as prayed for.

Annexures P3 to P8 are taken on record.

CRM-M-4807-2021

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case bearing FIR No.08 dated 16.06.2020 registered at Police Station Vigilance Bureau Bathinda Range, District Bathinda, under Sections 420, 465, 467, 468, 471, 120-B IPC and Sections 7, 8, 9, 13(1)(a) of the P.C. Act, 1988 (as amended by P.C. Act, 2018).

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the above noted FIR, inasmuch as neither his name finds mention in the FIR nor there is any, prima-facie, evidential justification to show his complicity with the other co-accused. It is further submitted that the petitioner is one of the owners of M/s New Nandi

Medicos, Mansa and the name of the aforesaid medical shop surfaced during the investigation as regards purchase of medicines and surgical equipments from it on the basis of certain forged bills/quotations. It is further submitted that all the quotations and contracts regarding the purchase of the aforesaid items, are subject matter of scrutiny and verification by the concerned department and merely because the said items had been purchased from the shop of the petitioner, is no ground for his indictment.

Learned counsel for the petitioner further submits that challan has already been presented before the trial Court and out of 36 witnesses, only one has been examined thus far. The petitioner has been in custody since June 2020.

Learned State counsel while opposing the prayer for regular bail, has not disputed the factum of custody period of the petitioner as well as the presentation of the challan before the trial Court. He, on the instructions from Sandeep Singh, Deputy Superintendent of Police, Vigilance Bureau, Bathinda, has brought to the notice of this Court that the bail petitions i.e. CRM-M-21375-2020 and CRM-M-20771-2020 filed by the petitioner and the co-accused Tejinderpal Sharma, respectively, were dismissed by this Court.

At this stage, learned counsel for the petitioner points out that as far as the first bail applications filed by the petitioner and the co-accused Tejinderpal Sharma are concerned, those bail applications were dismissed by this Court prior to the filing of the challan whereas in the present case, the challan has been presented on 06.10.2020.

I have heard the learned counsel for the parties.

The petitioner has been in custody since June 2020. The trial will take time to conclude. Thus, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail to the satisfaction of the learned trial Court/Duty Magistrate.

08.04.2021
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(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No