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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.6171 of 2021 (O&M)

Decided on: 16.02.2021

Devender @ Dev Chahal

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Wazir Singh, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.207 dated 14.07.2020, for offence punishable under Sections 409, 420, 427 of the Indian Penal Code, 1860 (in short 'IPC') (Sections 467, 468, 471 IPC and 13 of the Prevention of Corruption Act, and 66-D of the Information Technology (Amendment) Act added later) registered at Police Station Sector 56, District Gurugram.

Counsel for the petitioner has argued that the name of the petitioner surfaced on the basis of the disclosure statement of the co-accused namely Parveen Kumar, who has already been granted the concession of regular bail by this Court vide order dated 05.02.2021 passed in CRM-M No.4578 of 2021.

For the sake of brevity, the facts noticed in the aforesaid order are not reproduced again.

CASE HEARD THROUGH VIDEO CONFERENCING

Counsel for the petitioner has further submitted that the petitioner not an employee of DHBVNL and he has no concern with the main accused Pawan Kumar, Lineman. It is further submitted that the allegation in the FIR that he has altered the readings of the meter are incorrect as none can access the I.D. of the Sub-Divisional Engineer, who himself is not arrayed as an accused and in order to alter the readings of the meter, the same can only be done after using the I.D. of the Sub-Divisional Engineer. Lastly, it is submitted that the petitioner is in custody since 22.08.2020; challan stands presented and the petitioner is not involved in any other case.

Counsel for the State has not disputed the factual position but opposed the prayer for bail. It is further submitted that the primary allegations of accepting the money are against Pawan Kumar, who is an employee of DHBVNL whereas the petitioner is not an employee of the said company and his name surfaced during the investigation on the basis of the disclosure statement made by the co-accused Parveen Kumar, who has already been granted the concession of regular bail.

Without commenting anything on merits of the case, considering the fact that the co-accused of the petitioner has already been granted the concession of regular bail; challan stands presented; the petitioner is not involved in any other case; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, 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.

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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

16.02.2021

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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No