

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

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**CRM-M No. 13133 of 2021
Date of decision :11.10.2021**

Rajiv Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. R.S.Rai, Sr. Advocate with
Mr. Anurag Arora, Advocate for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

HARNARESH SINGH GILL, J.

Prayer in this petition is for grant of regular bail in case FIR No. 118 dated 16.06.2020 registered under Sections 409, 420, 465, 467, 468, 471 IPC (Section 120-B, 201 IPC and Section 67 of Information Technology Act added later on) at Police Station Nangal, District Rupnagar.

Learned Senior counsel for the petitioner states that the petitioner has been in custody since 10.10.2020 and the co-accused, namely, Suresh Kumar, who was the Drawing and Disbursing Officer and Head-Master of the Senior Secondary High School, has been granted bail on 04.10.2021. Learned Senior counsel brought the attention of this Court to the letter dated 16.11.2015 vide which co-accused-Suresh Kumar have written to the Treasury Officer, Nangal that the salaries of some teachers/employees and the amount of Government High School, Kulgran, Roopnagar as per pay bill made and approved by undersigned should be transferred in the salary account of Rajiv Kumar, Clerk.

Learned Senior counsel further states that because of this letter issued by the Drawing and Disbursing Officer, the amount was deposited in

the account of the petitioner which has further been distributed to the employees and prays for granting of bail to the petitioner on the basis of parity.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel states that there are serious allegations against the petitioner; huge amount was transferred in the account of the petitioner which has been misappropriated but has not disputed the custody period of the petitioner. The prosecution witnesses are yet to be examined. Charges have already been framed.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 10.10.2020. The prosecution witnesses are yet to be examined. Moreover, co-accused Suresh Kumar who was the Drawing and Disbursing Officer, has already been granted bail. No useful purpose would be served by keeping the petitioner behind the bars. No other case has been registered against the petitioner. Further, keeping in view the prevailing situation of Covid-19 pandemic, the trial is unlikely to conclude any time soon.

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

11.10.2021

Rajeev (rvs)

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No