

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

**CRM-M-34424-2021
Date of decision: 31.08.2021**

Anil Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Chetan Sharma, AAG, Haryana.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition that has been filed under Section 439 Cr.P.C. is for grant of regular bail to petitioner in case FIR No. 195 dated 25.06.2019, registered under Sections 120-B, 409, 420, 467, 468, 471 of the IPC at Police Station Asauda, District Jhajjar.

The first petition, bearing CRM-M-9382-2020, was dismissed on 09.10.2020.

Learned counsel for the petitioner submits that the new ground for filing the present petition is that petitioner is in judicial custody for the last more than 02 years and 01 month and there is no progress in trial.

Learned counsel for the petitioner submits that as per the allegations in the FIR, registered at the instance of Block Development and Panchayat Officer, Bahadurgarh, it is stated that Pardeep Singh, Secretary Kheri Jasaur has reported him that Manager of Sarv Haryana Gramin Bank,

Anil Sarpanch and Ajay Ranga, in collusion with each other, have withdrawn an amount of Rs. 14-15 crore from the bank account, without following the procedure and have embezzled the same.

Learned counsel further submits that in pursuance to investigation conducted in this case, an amount of Rs. 1,80,00,000/- and another amount of Rs. 65,01,1000/- were recovered from the petitioner on 17.07.2019 and 26.07.2019, respectively.

Learned counsel further submits that till date, even the charges have not been framed, though the offences are triable by the Court of a Magistrate and the trial is delayed substantially due to COVID-19 situation in the country.

Learned counsel further submits that even otherwise, recovery can be effected from the petitioner under the provisions of Section 53 of the Haryana Panchayati Raj Act by following the procedure and, therefore, the petitioner, who is in long custody, may be enlarged on regular bail.

Learned State counsel, on the other hand, submits that there are allegations of embezzlement of a huge amount against the petitioner, however, he could not dispute that even charges have not been framed so far, therefore, trial has not commenced.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody for the last more than 02 years and 01 month; offences are triable by the Court of a Magistrate and also in view of the fact that conclusion of trial is likely to take a long time as even charges have not yet been framed; the instant petition is allowed. The

petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

31.08.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No