

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

CRM-M-1755 of 2022

DECIDED ON: 28th January, 2022

Kailash Tayal

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Rajesh Lamba, Advocate for petitioner.

Mr. Munish Sharma, AAG Haryana.

AVNEESH JHINGAN, J (ORAL)

Due to COVID-19 situation, the Court is convened through video conference.

[2] This second petition under Section 439 Cr.P.C. is filed seeking regular bail in F.I.R. No. 103, dated 9th June, 2021, under Sections 409, 420, 467, 468, 471 and 120-B IPC and Section 7 of the Prevention of Corruption Act, 1988, registered at Police Station Hassanpur, District Palwal, Haryana.

[3] The brief facts are that on 09.06.2021, police party got a secret information that Canter No.HR74-A-7715 and Truck No.HR73-2735 are being unloaded at Baba Flour Mill, Hassanpur. A raid was conducted and it was found that the wheat loaded in the Truck was being unloaded at the Mill. The driver of the truck was apprehended at the spot. He disclosed his name as Sharukh. He produced two gate passes upon which Food Corporation of India was written. It was found that the wheat loaded in the truck was for Government supply. Sharukh disclosed that the wheat bags were brought to the Mill on the asking of Imtiyaj. The petitioner is the mill owner.

[4] Learned counsel for the petitioner submits that petitioner is in custody since 09th July, 2021. Investigation is complete, challan stands presented and no recovery is to be made. The case is based on documentary evidence. Co-accused was granted bail.

[5] Learned State counsel opposes the prayer for grant of bail and submits that challan has been presented but charges are yet to be framed. He further submits that it is a case where the wheat of government supply was diverted to a private Mill.

[6] No recovery is to be made from the petitioner, the investigation in the case is complete, challan stands presented and conclusion of trial is likely to take time, no useful purpose would be served by depriving the personal liberty of the petitioners. The petitioner is granted bail subject to furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

[7] The petition is allowed.

[8] It is clarified that nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

28th January, 2022

reema

**(AVNEESH JHINGAN)
JUDGE**

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*