

228 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3184-2022
Date of Decision: 27.04.2022

Tanuj ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sahil Gupta, Advocate
for the petitioner.

Mr. N.S. Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J.(ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.226, dated 22.09.2021 under Sections 420, 409, 120-B, 403 and 404 of IPC, 1860 (Sections 403, 404 and 120-B IPC added later on) registered at Police Station Dadri City, District Charkhi Dadri, Haryana.

2. It has been submitted by learned counsel for the petitioner that the petitioner is in custody from 11.10.2021 and investigation of the case has been completed and thereafter challan has been presented under Section 173 of Code of Criminal Procedure. No witness has been examined till date. He submitted that as per the allegations, complaint was lodged by a government official by alleging that the Clerk in the office of Public Health Department namely Sunil, has embezzled an amount of salary etc. of different employees and due to this embezzlement, the present FIR was lodged against the aforesaid Sunil. He submitted that the petitioner is the brother-in-law of the

and as per the prosecution version, an amount of Rs.43,00,000/- approximately was transferred in the account of the petitioner from the aforesaid Sunil and thereafter it was bifurcated in some other accounts also. He submitted that there is no element of animus shown in the present case and in fact the aforesaid Sunil had used the account of the petitioner and he being the brother-in-law and that too brother of the wife of Sunil was not even aware with regard to the aforesaid act and transactions have taken place under a bona fide belief of the petitioner. He submitted that the petitioner is not a habitual offender and is not involved in any other case and is a young boy of 21 years of age and has already faced incarceration more than six months and has prayed for grant of concession of regular bail.

3. On the other hand, learned State counsel has submitted that it is a case where an amount was transferred in the name of the petitioner and therefore he has opposed the grant of bail to the petitioner. So far as the custody of the petitioner is concerned, learned State counsel has not disputed the same. He has also not disputed that the investigation of the case has been completed and no further recovery is to be effected from the petitioner. He further submitted that at the time of framing of the charge, Section 420 IPC was deleted.

4. I have heard the learned counsel for the parties.

5. The petitioner is a young boy of 21 years and is in custody from 11.10.2021. The investigation of the case has been completed and the petitioner as per the learned counsel for the parties is not involved in any other case. As per the FIR, the main accused was Sunil who has allegedly embezzled the amount and so far as the petitioner is concerned, the allegation against him was that an amount was transferred in his account. However, it is yet to be ascertained at the time of the trial as to whether it was within the

knowledge of the petitioner with regard to the embezzlement, if any, committed by the aforesaid Sunil or not and as to whether account of the petitioner was used under a bona fide belief by his brother-in-law. The trial of the case may take long time.

6. After hearing learned counsel for the parties, this Court is of the considered opinion that it is a fit case for granting bail to the petitioner. Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

7. It is made clear that the aforesaid observations would not mean anything on the merits of the case, as the same are only for the purpose of deciding the present petition.

(JASGURPREET SINGH PURI)
JUDGE

April 27, 2022
Manpreet

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