

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

247

CRM-M-22219-2022 (O&M)

Date of Decision: 29.08.2022

SHISH PAL

...Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Ravinder Sharma, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.246 dated 12.07.2019, registered at Police Station Ladwa, District Kurukshetra, under Sections 420, 467, 468 and 471 IPC, the first having been dismissed as withdrawn on 15.03.2022.

Learned counsel for the petitioner submits that the allegation against the petitioner and Sat Parkash is that they have presented the fake labour certificate, while applying for the tender of garbage collection; that the said tender was allotted to Sat Parkash; that after dismissal of the first petition of the petitioner, co-accused, namely, Sat Parkash has since been granted the concession of bail by this Court, vide order dated 17.05.2022 and thus, on the ground of parity, the petitioner is also entitled to bail. He further submits that the petitioner has been in custody since 27.11.2021 and that no fraud has been committed by the petitioner.

On the other hand, learned State counsel while opposing the prayer for grant of regular bail to the petitioner does not dispute the custody period of the petitioner. He, however, submits that the petitioner had actively participated in the alleged occurrence and has played fraud with the state authorities i.e. MC Ladwa and that some of the prosecution witnesses are yet to be examined.

I have heard learned counsel for the parties.

The petitioner has been in custody since 27.11.2021. Similarly situated co-accused, in favour of whom the tender was allotted, has already been enlarged on bail. Some of the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

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

29.08.2022

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>