

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

CRM-M-20079-2022 (O&M)

Date of decision: 25.05.2022

Ashok Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Mr. Surender Singh, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 826 dated 16.09.2017, registered under Sections 120-B, 201, 409, 420, 467, 468, 471 IPC, at Police Station Jhajjar Sadar, District Jhajjar.

Learned counsel for the petitioner submits that the FIR has been lodged against the petitioner and other co-accused; that as per the allegations, co-accused Suraj Bhan, Contractor, in connivance with others has caused a loss to the State exchequer to the tune of Rs. 7,22,000/- by withdrawing the double amount on account of wages of the outsourced workers; that the amount of Rs. 7,22,000/- has already been deposited back by co-accused Suraj Bhan, and has been enlarged on bail and that the only allegation against the petitioner is that he has destroyed/misplaced the attendance register of the outsourced workers; whereas it was not the duty of the petitioner to keep and maintain the said register.

He further submits that one Sunil Kumar in his statement recorded on 04.08.2021 under Section 161 Cr.P.C not named the petitioner, but in his subsequent statement he named the petitioner. The petitioner has been in custody since 22.03.2022.

Learned State counsel, while opposing the prayer for bail submits that the petitioner in connivance with other co-accused has actively participated in the crime and the petitioner has also been specifically named by Sunil Kumar, that the petitioner has destroyed/misplaced the attendance register of the outsourced workers, which he handed over to the petitioner. However, he does not dispute the custody period of the petitioner. The prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 22.03.2022. The misappropriated amount has already been deposited by main accused Suraj Bhan and he has been enlarged on bail. The prosecution witnesses are yet to be examined. The conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the 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 learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

25.05.2022
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No