

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

228

CRM-M-28372-2022

Date of Decision : July 12, 2022

SUNIL

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Sanjay Vashisth, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.226 dated 22.9.2021 under Sections 409, 420 IPC (subsequently charged under Sections 120-B, 403, 404 and 409 IPC only), registered at Police Station Dadri City, District Charkhi Dadri (Hry.).

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 18.10.2021 which is almost 9 months and after the investigation of the case, the challan was presented by the police against the petitioner and the other co-accused. He submitted that 3 out of 25 witnesses have already been examined and it is a case which is triable by the Magistrate. He further submitted that the allegations against the petitioner are with regard to embezzlement of Rs.2.80 Crores out of which he has already deposited Rs.26 lacs. He

submitted that the allegations are pertaining to misappropriation of provident funds of the employees but the entire allegations are yet to be proved at the time of trial. He further submitted that he has already suffered incarceration for 9 months and no useful purpose will be served in case his further custody is continued. He further submitted that the petitioner is not involved in any other case and, therefore, he may be considered for the grant of regular bail. He submitted that the other co-accused, namely, Tanuj, Sombir and Chirag have already been enlarged on regular bail.

On the other hand, the learned State counsel has stated that it is correct that the investigation of the case has been completed and three witnesses have already been examined. He has, however, opposed the grant of bail to the petitioner on the ground that the allegations against the petitioner are serious with regard to embezzlement of large amount of money.

I have heard the learned counsels for the parties.

The petitioner is in custody from 18.10.2021 and the entire investigation has been completed and thereafter during the course of trial three witnesses have been examined. As per the learned counsels for the parties the petitioner is not involved in any other case and the other co-accused have been granted bail. Although the petitioner is not at parity with the other co-accused who have been granted bail since the petitioner is the main accused but the present case is triable by the Magistrate and the three witnesses have already been examined. It is yet to be determined with regard to the embezzlement, if any, committed by the

petitioner. Apart from the same, a specific query was put to the learned State counsel during the course of arguments as to whether there is any apprehension if the petitioner is granted bail then he may tamper with any evidence or flee from justice, the learned State counsel was not able to substantiate his answer.

In view of the aforesaid facts and circumstances, this Court is of the view that the petitioner deserves the concession of regular bail.

Consequently, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

July 12, 2022
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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No