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

**CRM-M-34590-2022 (O&M)
Date of Decision: 30.11.2022**

Shiv Kumar

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. U.K. Agnihotri, Advocate,
Mr. Anshul Agnihotri, Advocate
Mr. A.K. Agnihotri, Advocate
Mr. Vikas Katol, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

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Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.689 dated 15.08.2018 registered under Sections 193, 420, 467, 468, 471, 472, 506 and 120-B IPC at Police Station Assandh, District Karnal. The petitioner is in custody since his arrest on 09.09.2021.

Brief facts of the prosecution case are that the present case was registered on the complaint of the complainant Ramphal son of Shri Ram Chander, resident of village Kurlan, P.S. Assandh, District Karnal. As per the complainant, accused no.1 & 2 namely Shiv Kumar and Raj Kumar were working with Postal Department Karnal as Postman and Postmaster in village Kurlan and the accused No.3-Dilbag is real brother of accused no.1 and 2 and the accused no.4 Suman is wife of accused no.1. It is mentioned that the accused no.3 has purchased various properties in his name from the

money which was embezzled from the amount of terms deposit and regular (RD) deposit relating to the account holders. It is further mentioned in the complaint that the accused no.3 has already transferred the ancestral property in his name as the accused persons have already planned to grab the public money. The accused no.1 & 2 have opened term deposit and regular deposit accounts of the persons of locality within the jurisdiction of village Kurlan and accused persons by manipulation of false and fabricated documents had embezzled the amount of the persons, who had deposited in their term deposit and regular deposit accounts. In this regard, the complainant as well as other account holders had moved complaint against the accused persons and postal department Karnal had also moved complaint against the accused persons and on the basis of which, three FIRs No.38 of 2012, no.485 of 2012 and no.192 of 2012 were lodged against the accused. They were prosecuted and accused nos.1 to 3 were convicted by the court in FIR No.485 of 2012 and in FIR no.38 of 2012. The court also held accused no.1 and 2 guilty. It is alleged in the complaint that the accused no.3 is the mastermind to get manipulated the forged and fabricated documents in this conspiracy. The present complaint was sent by the Court to the S.H.O. Police Station Assandh under Section 156 (3) Cr.P.C for the registration of the case against the accused persons. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner has argued that the petitioner and other co-accused faced trial in case FIR No.38 dated 08.01.2012, wherein co-accused Dilbag was acquitted and the petitioner was convicted vide judgment dated 21.12.2017. He submits that against the said judgment of conviction, his appeal is pending before the Court of Sessions, wherein

his sentence has already been suspended. Learned counsel has argued that as per the allegations in the FIR, certain documents produced in the previous trial were forged, therefore, on the basis of the statement made by complainant again the petitioner has been involved in the present case. He submits that the investigation of the case is complete and the challan has been presented on 09.04.2020, but the charges have not been framed so far, therefore, the petitioner be released on regular bail.

Learned State counsel assisted by ASI Bahadur Singh does not dispute the above fact and states that the co-accused of the petitioner have been released on anticipatory bail. He, on instructions states that the challan has been presented on 09.04.2020, but the charges are yet to be framed.

After hearing the learned counsel for the parties, considering the fact that the co-accused of the petitioner have already been released on anticipatory bail and also the fact that the offences are triable by Magistrate, this Court is of the opinion that the further custody of the petitioner may not be necessary for any useful purpose. Further, the charges are yet to be framed and it may take considerable time to conclude the trial.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

30.11.2022

Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No