

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

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CRM-M-43946-2022(O&M)

Date of Decision: 08.12.2022

SURESH KUMAR

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Aman Pal, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.224 dated 15.04.2022, registered under Sections 409, 420, 467, 468 and 471 IPC, at Police Station Bhiwani City, District Bhiwani.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR; that out of the four accused, who have specifically been named in the FIR, three have been exonerated and one is on bail and that the petitioner has been in custody since 20.04.2022. He further submits that the present FIR was lodged at the instance of Sushil Sharma, who is a social worker; that the allegations regarding embezzlement of the amount against the petitioner are totally baseless and false; that it was the Vice-Chairman of the concerned Department, who had embezzled the amount and has also admitted the said fact. Still further, it is submitted that as far as four other cases registered against the petitioner are concerned, he is on bail in three cases and that the co-accused has already been granted the concession of bail.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute his custody period. He, however, submits that the petitioner is a habitual offender and there are four more cases against him, though on bail in some cases. He further submits that the petitioner along with the co-accused has embezzled the amount of Rs.27,48,000/-; that recovery of three registries in the name of the wife of the petitioner was effected from the petitioner and that prosecution evidence is yet to commence.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 20.04.2022. The petitioner was not named in the FIR. Three accused, who have specifically been named in the FIR, have already been exonerated. Co-accused has already been enlarged on bail. As far as other cases registered against the petitioner are concerned, he is on bail in most of the cases. Prosecution evidence is yet to commence. 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 and without commenting anything 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 bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

08.12.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

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