

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

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CRM-M-46548-2022(O&M)

Date of decision: 12.12.2022

Prem Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Jitendra Kumar Singh, Advocate and
Mr. Jai Singh Yadav, Advocate for the petitioner.

Mr. Gagandeep Singh Chhina, 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. 134 dated 10.04.2021, registered under Sections 408, 420, 467, 468, 471, 120-B IPC, at Police Station Badshahpur, District Gurugram.

Status report by way of affidavit dated 07.12.2022 of the Assistant Commissioner of Police, Sadar Gurugram, Gurugram, submitted by the learned State counsel in the Court, is taken on record.

Learned counsel for the petitioner submits that allegation against the petitioner is that he is the owner of the NP Designs & PN Enterprises and he in connivance with other accused persons have got transferred an amount of Rs. 46,20,424/- in the account of the alleged firm/company on the basis of fake bills regarding supply of material, whereas no material was supplied; that the recovery of bill book has already been effected from him; that the petitioner has been in custody since 27.05.2022; that there is no other pending or registered case against the petitioner and that the challan has been filed but

none of the prosecution witnesses has been examined so far.

Learned counsel for the petitioner further submits that the petitioner has returned an amount of Rs. 36 lakh to accused No.1-Jatin Kalra, who further disbursed the same among other accused.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the bill book of the firm in question was recovered from the petitioner, in which he had issued fake invoices of the complainant company. However, he does not dispute the custody period of the petitioner and that there is no other case against the petitioner. He submits that the challan has been presented and the prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 27.05.2022. The recovery of bill book has been effected. Moreover, there is no other case against the petitioner. The prosecution witnesses are yet to be examined. Therefore, 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

12.12.2022
Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No