

In the High Court of Punjab and Haryana at Chandigarh

CRM-M-47793 of 2022 (O&M)

Date of Decision: 21.12.2022

Mahender Singh

---Petitioner

versus

State of Haryana

---Respondent

Coram: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Navjot Singh, Advocate
for the petitioner.

Ms. Dimple Jain, AAG, Haryana

Mr. Sarfaraj Anjum Mor, Advocate
for the complainant.

JAGMOHAN BANSAL, J. (ORAL)

CRM- 39185 of 2022

Allowed as prayed for.

CRM-M- 47793 of 2022

Through instant petition under Section 439 of Code of Criminal Code, 1973, the petitioner is seeking bail in FIR No. 124 dated 8.6.2021 under Sections 406, 409, 420, 467, 468, 471, 201/120-B of Indian Penal Code, registered at Police Station City Nuh, District Nuh.

Learned counsel for the petitioner *inter alia* contends that petitioner joined office of Municipal Committee, Nuh on 2.1.2018 and worked therein till 15.2.2018. The tenure of the petitioner in the office of Municipal Committee, Nuh was about 45 days and admittedly the payment relating to the period prior to 2015 was made during the tenure of the petitioner. The documents requiring

payment were duly verified by different officials of the Committee and petitioner being new one was not aware about the invoices/payments relating to the period prior to 2015. No recovery has been effected from the petitioner and he is not involved in any other case except FIR No. 639 dated 5.8.2019 which is based upon same set of allegations. The petitioner is a 48 years old man and is a resident of Gurugram. The petitioner has deep roots in society and he is staying with his family members. There is no possibility of fleeing from justice and petitioner undertakes to face trial without any default.

Learned State counsel does not dispute the above-stated facts but opposed the prayer for grant of bail.

In view of the fact: (i) that the petitioner is not a habitual offender; (ii) no recovery has been effected from the petitioner; (iii) petitioner is ready to face trial without any default; (iv) petitioner had joined office just few days back prior to commission of alleged offence; (v) petitioner is in custody since 19.8.2022; (vi) petitioner was not named in FIR; (vii) co-accused who is actual beneficiary is on interim anticipatory bail; and (viii) there is no evidence indicating that petitioner would flee from justice or he is a fly by night operator, the petition is allowed and the petitioner is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

(JAGMOHAN BANSAL)
JUDGE

21.12.2022

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