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

CRM-M No.47493 of 2022 (O&M)

Date of decision: 21.11.2022

Balbir

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Kamlesh, Advocate for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.91 dated 30.04.2022, for offence punishable under Sections 409, 467, 468, 471, 120-B of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Mohana Sonapat, District Sonapat.

Counsel for the petitioner has argued that the FIR has been registered against two persons i.e. the petitioner Balbir and one Inspector Kuldeep, with the allegations that the petitioner was an employee in the Post Office and he along with the co-accused has withdrawn the pension of 18-20 persons, who have died 4/5 years ago and have committed the offence of criminal breach of trust. It is further submitted that the petitioner was arrested on 16.08.2022 and prior to that the amount of Rs.2,33,900/- was deposited on 19.02.2022, Rs.3.00 lacs was deposited on 25.02.2022 and Rs.41,000/- was deposited on 25.02.2022, in the account of Post Office.

Counsel for the petitioner has further submitted that this fact was also noticed by the Additional Sessions Judge, while dismissing the anticipatory bail application of the petitioner. It is also argued that the offences are triable by the Court of Magistrate; the petitioner is the first offender; the investigation is complete; the

petitioner is in custody for the last 03 months and 04 days and challan stands presented before the trial Court.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 03 months and 04 days; the investigation is complete; the petitioner is the first offender; he is not involved in any other case; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

21.11.2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No