

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-57367 of 2022

Date of Decision: 13th December, 2022

Devender Mann

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. R. K. Saini, Advocate for the petitioner.
Mr. Gurmeet Singh, AAG, Haryana.

AVNEESH JHINGAN, J (Oral):

This petition under Section 439 Cr.P.C. is filed seeking bail in FIR No. 371 dated 27.5.2022, under Sections 120-B, 406, 420, 467, 468, 471 IPC (Section 409 IPC added later on) and Section 13 of the Prevention of Corruption Act, 1988, registered at Police Station Sector 32-33, Karnal.

Learned counsel for the petitioner claims parity with co-accused who were granted regular bail by this court on 16.11.2022 in CRM-M-43054 of 2022 and connected matters. He further submits that the petitioner is Inspector in Food and Supplies Department. The contention is that the petitioner is in custody since 17.8.2022.

On 16.11.2022, this court passed the following order:

“These two petitions are filed seeking regular bail in case of FIR No. 371 dated 27.5.2022, under Sections 409, 420, 467, 468, 471, 120-B IPC, 1860 and Section 13 of the Prevention of Corruption Act, 1988, registered at Police Station Sector 32-33 Karnal, District Karnal.

The relevant facts are that on a complaint made by Vikas Sharma, an inquiry was conducted. The allegations were that entry of 33 BPL ration cards were forged and their record was not found in the BPL list prepared by the Government. Vinod Kumar (petitioner) was the Depot holder and Raj Karan (petitioner) was nominee and running the Depot of Vinod Kumar. It is further alleged that the food grains meant to be distributed to BPL family were siphoned off by this modus-operandi.

Learned counsel for the petitioners submits that the petitioners are in custody since 28.5.2022, investigation is complete and challan stands presented.

Learned State counsel opposes the prayer and submits that BPL cards were forged in connivance with the Food and Supply Department, resultantly 31 BPL families were deprived of their entitled ration to be distributed to them. However, he fairly submits that the challan was presented qua the petitioners.

Without commenting upon the merits of the case, considering the nature of allegations and the fact that the case is prima-facie based upon documentary evidence, though investigation is complete conclusion of trial is likely to take time, bail is granted to the petitioners on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petitions are allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

Since the main case has been decided, the pending application, if any is rendered infructuous.

Photocopy of this order be placed on the file of connected case.”

Learned counsel for the State though opposes the prayer for grant of pre-arrest bail, he is not able to distinguish the parity of the petitioner with the co-accused so far as grant of bail is concerned.

Without commenting on the merits of the case, considering the nature of allegations and on the basis of parity of the petitioner with the co-accused so far as grant of bail is concerned, though investigation is complete conclusion of trial is likely to take time, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

Since the main petition has been decided, the pending application, if any is rendered infructuous.

[AVNEESH JHINGAN]
JUDGE

13th December, 2022
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |