

2023:PHHC:045894

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-2013-2023 (O&M)
Date of Decision:-28.3.2023

Arshad ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vipin Kumar, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana,
assisted by Inspector Suresh Kumar.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.36, dated 16.9.2022 at Police Station State Vigilance Bureau, Gurugram, under Sections 409, 420, 467, 468, 471, 120-B, 201, 34 of Indian Penal Code and Sections 13(1)-A, 13(1)-B of Prevention of Corruption Act, 1988.
2. A few facts necessary to notice for disposal of this petition are that a complaint was moved by Mahender alleging that embezzlement was being done at Nuh Toll Plaza T39. It is alleged that officials of Public Works Department were issuing forged and fabricated receipts. Pursuant to which, a team was constituted to check Toll points at Sondh, Chhrora and Village Pathredi in District Nuh. After checking the same, a report was submitted and

it was found that fake receipt books were printed and toll tax was being collected by issuing fake receipts. It is alleged that as per rule, the toll receipt books are to be printed by Public Works Department (B&R) Headquarter, Panchkula and to be issued by the Executive Engineer to Junior Engineer Incharge of Toll Points. During investigation, it revealed that the employees at Toll Plaza were also aware of the forged receipt books. It is also alleged that an amount of Rs.20,000/- to Rs.30,000/- daily was being collected on Toll Plaza, which was divided equally amongst the accused and only the amount collected on original receipts was deposited. The embezzlement was estimated to the tune of Rs.18,00,000/-. The petitioner Arshad and Sajid were arrested at the spot.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that no recovery whatsoever was ever effected from him.
4. Opposing the petition, learned State counsel has submitted that since recovery of 6 fake receipt books was effected from the petitioner, his complicity is clearly evident. Learned State counsel has informed that challan stands already present in the present case and charges are yet to be framed and as many as 17 PWs have been cited. It has also been informed that the petitioner has been behind bars since the last more than 6 months. It has further been informed that the petitioner is not involved in any other case.
5. Without commenting anything as regards the merits of the case, but having regard to the custody of the petitioner i.e. more than 6 months and also the fact that conclusion of trial is likely to take some time inasmuch charges are yet to be framed and as many as 17 PWs have been cited and that

the petitioner is not involved in any other case, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

28.3.2023
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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No