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

**CRM-M No. 25939 of 2023
Date of Decision: 02.06.2023**

Satbir

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Virender Soni, Advocate for petitioner.

Mr. Vishal Malik, DAG, Haryana

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SANJIV BERRY, J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.209 dated 24.05.2022 under Sections 420, 409, of IPC registered at Police Station Uchana, Jind (Annexure P-1).

2. It has been contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submitted that FIR has been registered on the basis of vague allegations made by Deepak Gupta, Assistant Registrar, Co-operative Societies, Narwana regarding embezzling the stock of the Fertilizers, Seeds and cash. He further submits that Challan against the petitioner has already been

submitted before Court and he is no more required in any other case. The petitioner, aged about 58 years, is in custody since 13.12.2022 and he has no other case registered against him, as such he prayed for grant of bail to the petitioner.

3. Learned State counsel has vehemently opposed the bail application by arguing that the petitioner has been actively involved in embezzlement of the fertilizer bags meant for distribution to the farmers. He as such prayed for dismissal of the petition considering the heinous nature and gravity of offence.

4. After considering the rival contentions and going through the record, it transpires that as per the case of the prosecution, the petitioner being Manager of PACS, Kakrod had misappropriated and embezzled DAP and Urea Stock, seeds etc., which was meant for distribution to the farmers and in this manner he caused loss of around 17 lacs to the State exchequer. He was arrested on 13.12.2022 and after completion of investigation against the petitioner, challan has already been presented in the Court. Admittedly, no other case has been registered against the petitioner. As per the learned State Counsel the petitioner has been in custody since 13.12.2022.

5. In view of the above facts and circumstances, considering the age and antecedents of the petitioner and also the fact that the challan has already been presented against the petitioner in Court meaning thereby that he is no more required for further investigation. The criminal liability, if any, of the accused-petitioner shall be determined only after the trial and no purpose would be served by keeping the petitioner in custody any longer.

6. In view of the facts and circumstances, without commenting on the merits of the case the petition is disposed of, thereby admitting the petitioner to bail on her furnishing bail bonds in the sum of ₹1,00,000/- with one surety in the like amount to the satisfaction of learned CJM/Duty Magistrate concerned. The petitioner is further directed to regularly appear before trial Court; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

02.06.2023
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |