

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

229

CRM-M-60809-2022
Date of decision: 02.03.2023

ARVIND SINGH

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Rakesh Kumar Lathwal, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana

AMAN CHAUDHARY. J.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No. 323 dated 30.09.2020 under Section 420, 467, 468 and 471 IPC (Final report submit in Sections 420, 467, 468, 471 and 120-B IPC) registered at Police Station Rai, District Sonipat.

Learned counsel contends that the petitioner has been in custody since 10.10.2022. The offence is triable by the Magistrate. Co-accused namely Bharat Bhushan and Mukesh Tanwar have been granted the concession of anticipatory bail vide orders dated 05.12.2022 and 01.02.2023 respectively. The disputed amount has already been deposited by the petitioner with the department of Public Provident Fund. The petitioner is not involved in any other case; challan has already been presented against the petitioner, however, charges are yet to be framed and the trial is likely to take sufficiently long time.

Learned State counsel has filed custody certificate, same is taken on

record. He opposes the bail on the ground that serious allegations have been levelled against the petitioner of having embezzled the money of the general public. However, he is unable to controvert the other submissions made by learned counsel for the petitioner in particular with regard to custody, stage of the trial and that the petitioner not being involved in any other case.

Heard.

It is apposite to refer to the judgment of Hon'ble The Supreme Court of India in the case of **Sanjay Chandra v. CBI** 2011(4) RCR (CrI.) 898, wherein it was held that, "We are conscious of the fact that the accused are charged with economic offences of huge magnitude. We are also conscious of the fact that the offences alleged, if proved, may jeopardize the economy of the country. At the same time, we cannot lose sight of the fact that the investigating agency has already completed investigation and the charge sheet is already filed before the Special Judge, CBI, New Delhi. Therefore, their presence in the custody may not be necessary for further investigation. We are of the view that the appellants are entitled to the grant of bail pending trial on stringent conditions in order to allay the apprehension expressed by CBI."

Keeping in view the facts of present case and the judgment referred to above in the case of **Sanjay Chandra** (supra) and in particular that the petitioner has been in custody since 10.10.2022, two co-accused have been granted anticipatory bail, alleged embezzled amount has been deposited with the department, charges against the petitioner are yet to be framed; the trial is likely to take a considerable time, his further detention behind bars would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to him not being required in any other case. The petitioner shall abide by the following conditions:-

1. The petitioner will not tamper with the evidence during the trial.
2. The petitioner will not pressurize/ intimidate the prosecution witnesses.
3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
5. The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
6. The petitioner shall not in any manner misuse his liberty.
7. The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
8. The petitioner shall deposit his passport, if any, with the Trial Court forthwith and in case, he does not have the passport, he shall furnish a specific affidavit in this regard.

It is made clear that in case of any infraction of any of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, this Court makes it clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

02.03.2023
Mehak

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>