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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-57908-2023
Date of Decision: 06.12.2023

Deepak Sharma @ Rinku

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Raman Chawla, Advocate
for the petitioner.

Mr. Vijesh Sharma, Addl. A.G., Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.171 dated 03.03.2022, under Sections 406, 420, 467, 468, 471, 409 and 120-B IPC, registered at Police Station Assandh, District Karnal.

2. Learned counsel for the petitioner submitted that it is a case where the allegations are pertaining to preparing of a false ID and misappropriation of the amounts of the farmers which are to be given to actual land owners but as per the allegation, the petitioner and the Firm, namely, M/s Ram Dutt Sharma & Sons, misappropriated the amount. He further submitted that the proprietor of the firm, namely, Ram Dutt Sharma and Deepak Sharma (the same name as that of the present petitioner) and one more co-accused, namely, Rajinder Kumar have already been granted bail by the Court of Sessions Judge and so far as the present petitioner is

concerned, he was only a Clerk/Muneem of the aforesaid co-accused, namely, Ram Dutt Sharma and Deepak Sharma and submitted that he has no role to play in the present offence. He also submitted that the amount which was transferred in the name of the petitioner, has already been appropriated by the aforesaid two co-accused, namely, Ram Dutt Sharma and Deepak Sharma and the petitioner is only a Muneem and no culpability can be attached to the present petitioner.

3. Learned counsel for the petitioner further submitted that even otherwise also, the petitioner is in custody from 31.05.2023 and the investigation of the case has already been completed and thereafter, challan has also been presented before the competent Court. He also submitted that the present is a case which is triable by the Magistrate and the trial of the case may take long time and therefore, considering the aforesaid facts and circumstances of the case, the petitioner may be considered for grant of regular bail.

4. On the other hand, Mr. Vijesh Sharma, learned Addl. Advocate General, Haryana, submitted that it is correct that the petitioner is in custody from 31.05.2023 and the investigation of the case has been completed and thereafter, challan has been presented before the competent Court. He further submitted that it is also correct that the present is a case which is triable by the Magistrate. He has however opposed the grant of regular bail to the petitioner on the ground that the allegations against the petitioner are with regard to misappropriation of money which is serious in nature.

5. I have heard the learned counsels for the parties.

6. The petitioner is in custody from 31.05.2023 and the

investigation of the case has already been completed and thereafter, challan has also been presented before the competent Court. The other co-accused are stated to be on bail and the petitioner was only working as Muneem/Clerk of the Firm. The present case is triable by the Magistrate and the trial of the case may take long time. Furthermore, it is neither the case of the State nor it has been argued by the learned State counsel that in case the petitioner is released on bail then he may abscond or flee from justice or may influence the witness or may tamper with the evidence. Therefore, considering the aforesaid facts and circumstances of the case, this Court deems it fit and proper to grant bail to the petitioner.

7. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

06.12.2023

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

1. Whether speaking/reasoned:	Yes/No
2. Whether reportable:	Yes/No