



CRM-M-22839-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-22839-2024
Date of decision: 11.07.2024

Vipin DhimanPetitioner.

Versus

State of HaryanaRespondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

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

Mr. Surender Singh, AAG, Haryana.

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SANJIV BERRY, J. (ORAL)

Status report dated 02/03.07.2023, filed in the form of affidavit of Assistant Commissioner of Police, Kharkhoda, District Sonipat, on behalf of State-respondent, is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

2. Instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR. Details of the FIR are as under: -

FIR No.	Dated	Section	Police Station
438	18.11.2023	409 IPC	Sadar Sonipat, District Sonipat (Haryana)



3. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that as per the allegations levelled in the FIR, the petitioner while working as Daakpal in Barwasni in post office had embezzled the amount of Rs. 1,54,987/- which is manifestly wrong, however, the amount in question has since been deposited by the petitioner. He contends that the petitioner is in custody since 09.03.2024 and the challan has already been presented in the Court. He further contends that the petitioner is not having any other criminal case registered against him. As such, he prays for grant of bail to the petitioner.

4. *Per contra*, learned State counsel, referring to the short reply (*supra*), has assailed these arguments and submitted that the petitioner has embezzled the amount and as such, the petitioner is not entitled for grant of bail, however, he has admitted that the petitioner had already deposited the amount in the account of post office and is facing no other criminal case.

5. After considering the rival contentions and perusing the record, it transpires that as per the case of the prosecution, the petitioner while working as Daakpal in Barwasni Branch of post office had embezzled the amount of Rs. 1,54,987/- regarding which departmental enquiry was conducted and later the case was registered



vide instant FIR. Subsequently, the petitioner was arrested on 09.03.2024, in the meanwhile, the petitioner had deposited the amount in question in the account of the department which fact is not disputed; after completion of investigation challan has been presented in the Court; the petitioner is not facing any other criminal case and the conclusion of trial in the present case which is triable by the Magistrate will take sufficient long time and in these circumstances, it is observed that no purpose would be served in detaining the petitioner in custody any longer to face the incarceration till the conclusion of trial. Accordingly, without commenting on the merits of the case, instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing surety bonds/bail bonds to the satisfaction of Trial Court/Duty Magistrate.

6. The petitioner shall give the undertaking that he will not leave the country without prior permission of the Court; will regularly appear before the trial Court on each and every date; in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed and he will not tamper with evidence of prosecution in any manner.

7. 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.



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- 8. Petition stands allowed.
- 9. Pending miscellaneous application, if any, also stands disposed of.

11.07.2024
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(SANJIV BERRY)
JUDGE

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