

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

CRM-M-751-2024 (O&M)
Date of Decision:-29.1.2024

Ashok Kumar ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Bishan Dass Rana, Advocate for the petitioner.

Mr. Munish Sharma, DAG, Haryana,
assisted by SI Bahadur Singh.

Mr. Pankaj Bali, Advocate for the complainant.

FIR No.	Dated	Police Station	Section/s
377	13.5.2023	City Karnal, District Karnal	408, 420, 506 and 120-B of Indian Penal Code

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. The FIR was lodged at the instance of Jagdish Kumar, wherein it is alleged that he is running a business of gold under the name and style of ‘M/s Parmanand and Sons Saraf’ and that Ashok Kumar (i.e. the petitioner) was working for him. It is alleged that the complainant had gone to America on 27.5.2022 to meet his son and that in his absence the petitioner embezzled gold weighing 1150 grams.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that a substantial part of the gold allegedly entrusted to the petitioner has been accounted for. Learned counsel further submitted that since the investigation already stands concluded, further detention of the petitioner is not required for any purpose.
4. Opposing the petition, learned State counsel assisted by learned counsel for the complainant submitted that having regard to the huge quantity of gold involved, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 5 months and 22 days and that the petitioner is not involved in any other case. It has been informed that the investigation is already complete and challan stands presented in the present case.
5. This Court has considered rival submissions addressed before this Court.
6. Without commenting anything as regards merits of the case or as regards veracity of allegations levelled against the petitioner, but having regard to the custody of the petitioner i.e. about 5 months and 22 days and also the fact that the petitioner enjoys a clean record, further detention of the petitioner will not serve any useful purpose as the conclusion of trial is likely to consume time. The instant 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.

29.1.2024

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No