

(2019) 08 P&H CK 0138

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 32232 Of 2019(O & M)

Ankit Sharma

APPELLANT

Vs

State Of Haryana

RESPONDENT

Date of Decision : 06-08-2019

Acts Referred:

Indian Penal Code, 1860 — Section 120B, 406, 420

Citation : (2019) 08 P&H CK 0138

Hon'ble Judges : Manoj Bajaj, J

Bench : Single Bench

Advocate : Mukesh Kumar

Final Decision : Allowed

Judgement

Manoj Bajaj, J

Upon a call given by Punjab and Haryana High Court Bar Association Lawyers have continued to abstain from putting in appearance before the Court. Today, brother of the petitioner, namely Mukesh Kumar, appeared and sought permission of the Court to make submissions. Permission granted.

Petitioner-Ankit Sharma has prayed for grant of regular bail in case FIR No. 200 dated 20.04.2019 under Sections 420, 406 and 120-B IPC registered at Police Station Yamuna Nagar City, District Yamuna Nagar. The petitioner is in custody since his arrest on 21.04.2019.

The FIR was registered on the basis of the complaint given by Labh Singh, Cane Shift In-charge, wherein it was alleged that while he was taking round of the Sugar Mill, he saw that driver of Tractor Trolley No. RA-485 was reversing the vehicle from the weighing bridge. On a query put to him, he told that empty trolley was not being weighed on the said machine, whereas complainant noticed that receipt was being printed. On suspicion, he checked the printed receipt and compared the same with the card of the driver of the tractor trolley and found both mismatched. The matter was reported to the authorities and on inquiry,

Ankit Sharma disclosed that he alongwith Ajay Kumar who was working in the Sugar Mill and some other persons were involved in causing wrongful loss to the Sugar Mill for their gain.

Mukesh Kumar, brother of the petitioner, submitted that the co-accused of the petitioner, namely Ajay Kumar Sharma, already stands released on regular bail by this Court on 18.07.2019 in CRM-M- 22851-2019 titled as Ajay Kumar Sharma Versus State of Haryana. He has invited the attention of the Court to the above said order (Annexure P-3). He further submits that the investigation of the case is complete and the challan stands presented on 13.06.2019.

A perusal of the petition further reveals that the petitioner had suffered a confessional statement before the police wherein it was mentioned that he was allegedly involved in five such weighments of the vehicles and a sum of Rs. 10,000/- came to his share. Mukesh Kumar, brother of the petitioner, has made a prayer that the petitioner be released on regular bail as his further custody may not be justified.

A perusal of the order dated 24.07.2019 (Anneuxre P-2) passed by Sessions Judge, Yamuna Nagar reveals that the investigation of the case is complete. It is also noticed in order dated 24.07.2019 that the petitioner was involved with other accused in causing loss to the sugar mill as multiple weighment slips were obtained, resulting in excess payments to the farmers. However, this Court finds that the case of the petitioner is more or less similar to co-accused, namely Ajay Kumar Sharma, who has already been granted concession of regular bail by this Court on 18.07.2019.

Considering the above and the fact that the investigation qua the petitioner is complete and the trial is likely to consume some time, further detention of the petitioner may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court, Yamuna Nagar.

The petition is allowed.