
(2019) 12 P&H CK 0181

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 30676 Of 2019 (O&M)

Vinay Kumar Chhag @ Vinubhai

APPELLANT

Vs

State Of Haryana And Another

RESPONDENT

Date of Decision : 19-12-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 173, 439

Indian Penal Code, 1860 — Section 34, 120B, 380, 406, 409, 420, 467, 468, 471, 474

Citation : (2019) 12 P&H CK 0181

Hon'ble Judges : Mahabir Singh Sindhu, J

Bench : Single Bench

Advocate : R.S.Rai, Abhilaksh Grover, Arun Beniwal, Sartej Singh Narula

Final Decision : Allowed

Judgement

Mahabir Singh Sindhu, J

Present petition has been filed under Section 439 of the Code of Criminal Procedure (for short 'Cr.P.C.') for grant of bail pending trial to the petitioner in FIR No.0158 dated 13.03.2018 (P-1), under Sections 34, 406, 420, 409, 467, 468, 471, 474, 380 and 120-B of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Gharaunda, District Karnal.

The above FIR was registered on the basis of a complaint made by Mrinav Hemant Sagar, r/o 31, Raj Palace, 11 Road, Navi Mumbai against the petitioner, his wife-Bhawna Chhag, son-Jonty Vinay Chhag and other unknown persons. The allegations are that complainant is the Director of Tanna Agro Impex Private Limited, Gharaunda, District Karnal and running a rice sheller, where petitioner was working as Manager for the last more than 20 years. Petitioner was fully authorized to look after the work of sale, purchase, export of rice, operate the bank account(s) of the Company, sign cheques as well as to supervise the day-to-day working of the sheller. While taking undue advantage of the situation and misusing his powers, petitioner in conspiracy with his son as well as other co-

accused committed fraud, theft, criminal breach of trust, misappropriation of funds and caused heavy losses to the Company. He manipulated the record on the basis of forged and fabricated documents and misappropriated 8031 quintals of rice, thereby causing loss to the tune of about ` 6 Crores. Besides above, petitioner sold the tare (Baaradaana), tarpaulin, wooden crates, diesel etc. Also alleged that petitioner was terminated from the services of the Company in November, 2017 on account of his dishonesty and after checking of the record pertaining to stock, it came to the notice in February, 2018 that he along with his wife-Bhawna Chhag, his son-Jonty Chhag and other co-accused caused heavy losses to the Company and purchased moveable as well as immovable properties in their names while playing fraud.

It is contended by learned Senior Counsel that petitioner is in custody since 03.02.2019 and after investigation in the matter, report under Section 173 Cr.P.C. qua him has already been submitted before the Court concerned and charges are yet to be framed in this case. Also contended there is no other criminal case pending against the petitioner and trial is likely to take sufficient long time, therefore, he be released on bail pending trial.

On the other hand, learned State Counsel, on instructions from Investigating Officer/A.S.I. Bahadur Singh, E.O.W., Kaithal, opposed the bail application and submitted that petitioner has actively participated in the commission of crime along with his son-Jonty Chhag, wife-Bhawna Chhag and other co-accused, thus, he does not deserve the concession of bail pending trial.

Learned Counsel for the complainant also vehemently opposed the present petition on the similar lines of arguments, raised by learned State Counsel while submitting that in case the petitioner is released on bail, then he is likely to hamper the trial.

Heard learned Counsel for the parties and perused the paper- book.

Concededly, petitioner is in custody since 03.02.2019; investigation is already over; challan stands presented; charges are yet to be framed in this case, thus, the trial is likely to take sufficient long time; case is triable by Magistrate and there is no other criminal case pending against the petitioner, therefore, in the opinion of this Court, further incarceration of the petitioner would not serve any purpose. Consequently, without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

Petitioner shall fully co-operate with the learned trial Court and shall not unnecessary delay the proceedings in any manner.

The above observations may not be construed as an expression of opinion on the merits of the case.