

(2013) 09 P&H CK 0378

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. M-22910 of 2013

Om Parkash

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision: Sept. 13, 2013

Acts Referred:

- Income Tax Act, 1961 - Section 65, 66
- Penal Code, 1860 (IPC) - Section 408, 420, 467, 468, 471

Hon'ble Judges: Inderjit Singh, J

Bench: Single Bench

Advocate: R.S. Mamli, for the Appellant; Subhash Godara, Additional Advocate General, Haryana for the State and Mr. Rajesh Sethi, for the Respondent

Judgement

Inderjit Singh, J.

This order will dispose of the above mentioned two criminal miscellaneous petitions i.e. Criminal Misc. No. M-22910 of 2013 filed by Om Parkash and Criminal Misc. No. M-27637 of 2013 filed by Sadhu Ram for grant of regular bail in case FIR No. 48 dated 19.3.2013 registered at Police Station Jakhal, District Fatehabad for the offences under Sections 408, 420, 467, 468, 471, 477A IPC and Sections 65 and 66 of the IT. Act. Learned counsel for the petitioners contended that there are no allegations regarding any cheating, forgery, misappropriation against the present petitioners. The only allegation against them is that in the account of Om Parkash more than Rs. 11.42 Lacs have been deposited by main accused Anuj and about Rs. 3 Lacs have been deposited in the account of Sadhu Ram. Learned counsel for the petitioners argued that there is no evidence on the record that the present petitioners had withdrawn that amount.

2. On the other hand, learned Additional Advocate General, Haryana and learned counsel for the complainant opposed the bail application and stated that keeping in view the serious nature and gravity of allegations against the petitioners, they are

not entitled to the benefit of bail.

3. From the record, I find that the petitioners are in custody since 28.3.2013. There are no allegations regarding misappropriation or forging of any document. All these allegations are against co-accused Anuj. Only allegations against them are depositing of above stated amounts in the accounts of the petitioners. The learned Additional Advocate General, Haryana at the time of arguments admitted that the petitioners have not withdrawn this amount from their accounts. Rather, as per investigation, the main accused Anuj had withdrawn that amount. Keeping in view facts and circumstances of the present case and the fact that the trial of the case will take long time, nothing is to be recovered from them and no useful purpose will be served by keeping the petitioners in custody till the disposal of case, I accept these criminal miscellaneous petitions and the petitioners are ordered to be released on bail subject to their furnishing personal bonds in the sum of Rs. 50,000/- with one surety each in the like amount to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Hisar.