

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M No. 44945 of 2018

Date of decision : 25.03.2019

Vikram

.....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Partap Singh, Advocate for the petitioner.
 Mr. Rajesh K. Sheoran, Addl. A. G., Haryana.
 Mr. G. S. Sandhu, Advocate for the complainant.

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DAYA CHAUDHARY, J. (Oral)

This petition has been filed by petitioner Vikram under Section 439 of the Code of Criminal Procedure, 1973 (for short - 'Cr.P.C.') for grant of regular bail to him in case FIR No.981 dated 25.09.2012 under Sections 406, 420, 467, 468, 471, 506, 34 of the Indian Penal Code, 1860, registered at Police Station – City Karnal, Distt. Karnal, during pendency of the trial.

Learned counsel for the petitioner submits that the allegations levelled in the FIR are totally false. The complainant was caretaker of the family of the petitioner and the petitioner along with his siblings is settled in Belgium. His parents are old and they are residing in India. The complainant borrowed money from the parents of the petitioner on various occasions. Learned counsel further submits that the petitioner has falsely been implicated in the case, whereas he was not involved. He is in custody since 30.07.2018. Out of total 25 prosecution witnesses, 22 witnesses have been

examined and still the trial may take some time to conclude as not only the statements of remaining prosecution witnesses are to be recorded but thereafter, statements of three accused under Section 313 Cr.P.C. and then statements of defence witnesses are to be recorded. The offence is triable by Magistrate. There is no other case against the petitioner and no purpose would be served by keeping him in custody.

Learned State counsel has not disputed the stage of the trial as well as the custody period and also the fact that there is no other case against the petitioner. However, learned counsel for the complainant has opposed the bail on the ground that co-accused of the petitioner, who is his brother, has misused the concession of bail.

Heard arguments of learned counsel for the parties and have also gone through the contents of the FIR and other documents available on record.

By considering the custody of approximately eight months and also the fact that the offence is triable by Magistrate; there is no other case against the petitioner; out of total 25 prosecution witnesses, 22 witnesses have been examined and still trial may take some time to conclude as not only the statements of remaining prosecution witnesses are to be recorded but thereafter, statements of three accused under Section 313 Cr.P.C. and then statements of defence witnesses are also to be recorded, no purpose would be served by keeping the petitioner in custody. Accordingly, the present petition is allowed and the petitioner is directed to be released on regular bail on furnishing adequate bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate. However, by considering the submission

made by learned counsel for the complainant, the trial Court/Duty Magistrate is directed to impose any reasonable condition so that the petitioner may not misuse the concession of bail.

25.03.2019

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No