

228

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

CRM-M-24028 of 2019

Date of decision: August 26, 2019

Rakesh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Chirag Kundu, Advocate for the petitioner.

Mr. Rahul Mohan, DAG Haryana.

MAHABIR SINGH SINDHU, J (Oral)

Present second petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail pending trial to the petitioner, in FIR No.49 dated 25.02.2018, under Sections 420, 406 of Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Sadar Gohana, District Sonapat.

As per prosecution case, petitioner duped several persons to the tune of ₹18 lakhs on the pretext of providing them job in the Navy.

Contentends that petitioner is in custody since 29.01.2019 and charges, in this case, were framed on 26.04.2019 and now the case is fixed for 30.08.2019 for recording of prosecution evidence. Also contends that there are total 15 prosecution witnesses, but none has been examined till date. Further contends that there is no other criminal case pending against the petitioner.

The above factual position is duly acknowledged by learned

State counsel, on instructions from Sub Inspector Samunder Singh.

Heard both sides and perused the paper-book.

Since the investigation is already over, case is pending for prosecution evidence and out of total 15 prosecution witnesses, till date, none has been examined; and there is no other criminal case pending against the petitioner, thus, the trial will take sufficient long time to conclude. Therefore, further incarceration of the petitioner would not serve any purpose.

In view of the above, this petition is allowed. Petitioner is ordered to be released on bail, in this case, on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

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

The petitioner shall fully co-operate with learned trial Court without seeking any unnecessary adjournments.

(MAHABIR SINGH SINDHU)
JUDGE

August 26, 2019

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No