

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

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**CRM-M No. 25277 of 2019
Date of decision : 27.11.2019**

Vishal Gupta

.....Petitioner

Vs.

State of Haryana

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. G.S. Jagpal, Advocate, for the petitioner

Mr. M.D. Sharma, AAG, Haryana

Mr. B.S. Rana, Senior Advocate with
Mr. Deepak Gollen, Advocate, for the complainant

Rajbir Sehrawat, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No. 104 dated 8.5.2018, registered under Sections 406/420 IPC at Police Station Chandi Mandir, Panchkula.

It is contended by learned counsel for the complainant that the petitioner has committed huge fraud with the complainant. That fraud is even substantiated by the documents prepared by the petitioner in his own hand writing and retained in his own records. The said records form part of the challan. Hence, the petitioner is not entitled to bail pending trial.

However, learned counsel for the petitioner submits that the petitioner is in custody since 29.1.2019. He is being incarcerated unnecessarily, without any effective proceedings being undertaken against him.

Even charge was framed on 3.6.2019. However, thereafter also no witnesses

are being produced by the prosecution.

In response to this, learned counsel for the complainant submits that the complainant would produce all his private witnesses within two months on two dates to be next fixed before the trial Court, from the date currently fixed there, i.e. from 3.12.2019.

Learned State counsel also submits that the State would also produce the official witnesses, either along with the private witnesses; and in any case, within next one month, after the above said two months as undertaken by the complainant.

In view of the above, at this stage, this Court does not find it appropriate to grant bail to the petitioner.

However, it is further ordered that if the evidence of the prosecution is not concluded as per the schedule mentioned above, then the petitioner shall be released on bail by the trial Court itself.

Disposed of.

(RAJBIR SEHRAWAT)
JUDGE

27.11.2019

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No