

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

205

CRM-M No.17961 of 2021

Date of Decision: 13.09.2021

Rakesh Kumar

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Gurinder Pal Singh, Advocate for the petitioner.

Mr. Sharad Aggarwal, AAG Haryana.

Mr. Gautam Dutt, Advocate for the complainant.

ALKA SARIN, J. (Oral)

Heard through video conferencing.

This is the third petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.0158 dated 05.04.2018 under Sections 120-B, 406, 420, 467, 468, 471 and 506 of the Indian Penal Code, 1860 registered at Police Station Badshahpur, District Gurugram, Haryana.

Learned counsel for the petitioner contends that the petitioner does not press the bail application on merits. However, he prays that his bail application be considered on the ground of changed circumstance which is that the petitioner has now been in custody since 21.01.2020 and it is a Magisterial trial. Learned counsel would further contend that out of 37 witnesses, till date, only 1 has been examined. He would also submit that there are two cases pending against the petitioner. However, the petitioner is

on bail in one of the said cases and qua the second one cancellation report has been filed.

Learned State counsel is not in a position to deny the fact that out of 37 witnesses only 1 prosecution witness has been examined till date.

Mr. Gautam Dutt, Advocate appearing for the complainant has vehemently opposed the grant of bail to the petitioner. However, he is not in a position to deny the fact that the present case is a Magisterial trial and the petitioner has been in custody since 21.01.2020 and out of 37 prosecution witnesses only 1 has been examined till date

I have heard learned counsel for the parties.

The charges in the present case were admittedly framed on 03.12.2020 and since then only 1 prosecution witness out of 37 has been examined. Two cases are stated to be pending against the petitioner. However, in one case the petitioner is on bail and in the other case a cancellation report has been filed.

Keeping in view the fact that the present case is a Magisterial trial and out of 37 prosecution witnesses only 1 has been examined till date, I find this to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing heavy bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

**(ALKA SARIN)
JUDGE**

**13th September, 2021
jk**

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO