

208

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

CRM-M-37558-2022 (O&M)

Date of decision : 21.10.2022

Jagjeet

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Satyawan Singh Nain, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of regular bail to the petitioner in FIR No.121 dated 20.05.2021 registered under Sections 379, 409, 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 at Police Station Sadar Dadri, District Charkhi Dadri.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 09.09.2021 and there are 34 prosecution witnesses, out of which, only 8 prosecution witnesses have been examined and thus, the conclusion of the trial is likely to take time. It is further submitted that the petitioner is not involved in any other case and that the present case is triable by the Magistrate.

Learned counsel for the petitioner has also referred to the

statements of witnesses namely PW1-Parmila, PW2-Satyapal, PW3-Sunil, PW5-Pooja, PW6-Sarla and PW7-Vijay and has stated that the said witnesses have not supported the case of the prosecution. It is further contended that even PW4-Sheela Devi has also stated in her cross-examination that she had got her money.

On the other hand, learned State Counsel has opposed the present petition and submitted that the petitioner was cashier who had duped various persons by withdrawing money from their account illegally and had also prepared fake vouchers and thus, the present petitioner does not deserve the concession of regular bail.

This Court has heard the learned counsel for the parties and has perused the paper book.

In the present case, the petitioner is in custody since 09.09.2021 and out of 34 prosecution witnesses, only 8 prosecution witnesses have been examined and thus, the conclusion of the trial is likely to take time. The petitioner is stated to be not involved in any other case and the present case is triable by the Magistrate and the entire case is based on the documents. The material witnesses have not supported the case of the prosecution.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid order.

21.10.2022

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**