

CRM-M-1621-2023

213

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

CRM-M-1621-2023

Date of Decision: 16.11.2023

Rajan Dixit

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Parveen Sharma, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present is a second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.468 dated 12.06.2018, under Sections 406, 420 IPC (Sections 467, 468, 471, 120-B, 201 IPC added later on), registered at Police Station Sonipat City, District Sonipat.

2. It has been submitted by learned counsel for the petitioner that the petitioner is in custody from 15.05.2021 which is almost 2½ years and 16 out of 27 witnesses have already been examined and the present is a case which is triable by the Magistrate. He further submitted that in the present case, the allegations are pertaining to taking of Rs.9 lacs by one of the other co-accused, namely, Ruchika but during the investigation, she has been exonerated by the police. He submitted that so far as the allegations against

the petitioner are concerned, he had received an amount of Rs.91,000/- in two installments. He further submitted that the petitioner has clean antecedents and is not involved in any other case. He submitted that considering the fact that the present case is triable by the Magistrate and the petitioner has already faced incarceration for about 2½ years and the trial of the case may take long time, therefore, he may be considered for grant of regular bail.

3. On the other hand, Mr. Vishal Kashyap, learned DAG, Haryana has stated that it is correct that the petitioner is in custody from 15.05.2021 and 16 out of 27 prosecution witnesses have already been examined. He further submitted that it is also correct that the petitioner has clean antecedents and he is not involved in any other case and the present case is triable by the Magistrate. He has however stated that the petitioner has embezzled the entire amount of Rs.9 lacs and therefore, he is not entitled for the grant of regular bail.

4. I have heard the learned counsels for the parties.

5. The petitioner is in custody from 15.05.2021 which is about 2½ years. The petitioner is stated to have clean antecedents and is not involved in any other case. The subject matter of the present case is a financial dispute between the parties pertaining to Rs.9 lacs approximately regarding which allegations against the petitioner as per the learned State Counsel are that he had embezzled the entire amount of Rs.9 lacs. The present is a case which is triable by the Magistrate and the trial of the case may take long time, and therefore, this Court is of the view that the petitioner deserves the concession of regular bail.

CRM-M-1621-2023

6. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.
7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

16.11.2023
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |