

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

228

CRM-M-2824 of 2023

Date of Decision: 24.01.2023

Deepak Saini

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. D.S. Matya , Advocate, for the petitioner.

Ms. Nidhi Garg, AAG, Haryana

Mr. Yashdeep Nain, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

The present is a second petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.157 dated 28.08.2021, under Sections 420, 406, 467, 468, 471, 120-B IPC, registered at Police Station Sohna, District Gurugram.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 28.08.2021, which is almost one year and five months. He submitted that the police has already completed the investigation and thereafter the report under Section 173 of the Code of Criminal Procedure has been presented to the competent Court. He submitted that earlier he has also filed a bail petition which was dismissed by this Court on 31.01.2022 but thereafter the trial has commenced and five prosecution witnesses, including the complainant and

three victims have been examined. He submitted that when the complainant deposed before the Court, the statement was self-contradictory and so far as the statements of the three victims are concerned, they did not support the prosecution version qua the petitioner. He has further submitted that be that as it may, the present is a case which is triable by a Magistrate and now the trial has already commenced and therefore the petitioner may be considered for the grant of regular bail.

On the other hand, Ms. Nidhi Garg, learned AAG, Haryana has submitted that it is correct that the petitioner is in custody from 28.08.2021 and five prosecution witnesses, including the complainant as well as three victims have been examined. She however opposed the grant of bail on the ground that the petitioner has duped many persons and two more cases of similar nature are pending against the petitioner.

Mr. Yashdeep Nain, Advocate has appeared on behalf of the complainant and has very fairly stated that the three victims have not supported the prosecution version qua the present petitioner and even the statement made by the complainant was self-contradictory.

I have heard the learned counsel for the parties.

Although it is a successive bail petition as the earlier bail petition of the petitioner was dismissed by this Court on 31.01.2022 which is almost one year ago. In the present case, the trial has already commenced and five prosecution witnesses including the complainant and three victims have been examined and the present case is triable by a Magistrate. The pendency of the other two FIRs against the petitioner of similar allegations would not become a ground for denial of bail to the present petitioner considering the custody of the petitioner and the fact that

the victims have not supported the prosecution version qua the present petitioner.

In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant the concession of regular bail to the petitioner. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

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 the present petition.

(JASGURPREET SINGH PURI)
JUDGE

January 24, 2023
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No