

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-3329-2022 (O&M)

Date of Decision: 1.3.2023

Mohammad Warish

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Azad Khan, Advocate for
Mr. Johan Kumar, Advocate,
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana

Mr. Bhanu Pratap Singh, Advocate, for
Mr. Sandeep Verma, Advocate, for the complainant

KARAMJIT SINGH, J. (Oral)

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.43 dated 17.3.2021 registered for the offences punishable under Sections 420, 406, 120-B, 201 IPC at Police Station Radaur, District Yamuna Nagar.

As per allegations appearing on the record, some unknown persons had withdrawn an amount of ₹ 12,41,921/- from the bank account of the petitioner in an illegal manner. During the investigation, the petitioner was apprehended.

Counsel for the petitioner submits that FIR in this case was registered against unknown persons who had illegally withdrawn amount from the bank account maintained by the complainant in YES Bank, Branch Radaur, District Yamuna Nagar. He further submits that the petitioner has

been falsely implicated in the present case and is in custody for the last more than 1 year and 7 months and is having no criminal history and that the trial is not progressing ahead as till date, only 4 witnesses are examined on behalf of the prosecution.

Counsel for the petitioner further submits that it will take considerable time for the trial to conclude and no purpose is going to be served by keeping the petitioner behind the bars for indefinite period.

Present petition is contested by the State counsel as well as counsel for the complainant, both of whom, submit that the petitioner in connivance with his close relative had withdrawn amount of more than ₹ 12 lakhs from the bank account of the complainant who is a retired Government teacher. State counsel on instructions from ASI Sanjay further submits that the trial is going on and at this stage, no ground is made out to grant bail to the petitioner.

I have considered the submissions made by the counsel for the parties.

All the offences are triable by the Court of Judicial Magistrate, 1st Class. As per custody certificate furnished by the State counsel, the petitioner is in custody for the last more than 1 year and 7 months and is having no criminal antecedents. Till date, only 4 witnesses are examined out of total 11 witnesses on behalf of the prosecution. So, it will consume considerable time for the final disposal of the case. Thus, no fruitful purpose is going to be served by prolonging the judicial custody of the petitioner.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be

released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

March 1, 2023

Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No