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

2023:PHHC:054949

CRM-M-16902-2023 (O&M)

Date of decision: 19.04.2023

Rajesh Kaindi

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Chandan Singh Rana, Advocate
for the petitioner.

Mr. Rahul Mohan, D.A.G., Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-17177-2023

Application is allowed as prayed for subject to all just exceptions.

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This is second petition filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case FIR No.175 dated 18.04.2019 under Sections 406, 420 and 506 of IPC, registered at Police Station Shahabad, District Kurukshetra.

Mr. Mandeep Singh Lamba, Advocate puts in appearance and filed power of attorney on behalf of the complainant, in the Court, which is taken on record.

Learned counsel inter alia contends that false and exaggerated allegations have been levelled against the petitioner of inducing the complainant to part with Rs.46,80,000/- for sending his brother to USA. He

further submits that subsequent to the registration of the FIR in question (Annexure P-1), the parties with the intervention of respectables and well wishers had arrived at an amicable settlement for which they would be filing a petition under Section 482 Cr.P.C. for quashing of the FIR in question. It has still further been submitted that even otherwise all the offences for which the petitioner had been charged are triable by Magistrate and till date only one prosecution witness out of the 11 cited has been examined, hence trial shall take considerable time to conclude.

Learned counsel appearing on behalf of the complainant does not dispute the submissions made by counsel opposite that subsequent to the registration of FIR in question , the matter stands amicably settled between the parties. He also does not dispute that the parties are in the process of filing a petition under Section 482 Cr.P.C. to quash the FIR (Annexure P-1). He, thus, does not oppose the prayer made by learned counsel opposite for extending the concession of bail to him under Section 439 Cr.P.C.

Learned State counsel, on instructions from SI Richpal, has submitted the Court that after the withdrawal of the previous petition seeking similar relief on 20.01.2023, there has been no material change in circumstances other than the compromise which has been purportedly effected between the parties. He further submits that the next date before the trial Court is 25.04.2023 when some more prosecution witnesses are likely to be examined.

I have heard learned counsel for the parties and perused the material placed on record.

In the facts and circumstances as enumerated hereinabove, coupled with the fact that all the offences are triable by Magistrate, and the

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on 13.07.2020, this Court deems it fit to extend the concession of bail to the petitioner.

Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

19.04.2023
ps-I

(MANJARI NEHRU KAUL)
JUDGE

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