

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-16034-2020 (O&M)

Date of Decision: 29.3.2023

Keyur Thakkar

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ankit Grewal, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

Mr. M.S.Chauhan, 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.20 dated 12.1.2020 registered for the offences punishable under Sections 406, 420 IPC at Police Station Ambala Cantt. Ambala.

The allegations in nutshell are that the complainant sold *ghee* worth ₹ 20 lakh (approximately) to the petitioner but the petitioner failed to make payment of the said article to the complainant and consequently, FIR in the present case has been registered against the petitioner.

Counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in this case and that out of total sold *ghee*, the

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petitioner has already returned *ghee* worth ₹ 18.91 lakh to the complainant vide Annexure P-3 which also includes copies of the concerned invoices. He further submits that the petitioner is in custody for the last more than 10 months and the trial is not progressing ahead. So, prayer is made that the petitioner be released on regular bail.

Prayer is opposed by the counsel appearing on behalf of the complainant who submits that price of the aforesaid *ghee* is outstanding against the petitioner and nothing has been returned by the petitioner out of the sold *ghee*. State counsel while resisting the present petition, on instructions from SI Anil Kumar submits that the petitioner defrauded the complainant and received the sold *ghee* but failed to pay price of the same. However, the State counsel has not disputed the fact that the trial is going on and that the petitioner is in custody for the last more than 10 months.

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

Admittedly, all the offences are triable by the Court of Judicial Magistrate, 1st Class and the petitioner is behind bars for the last more than 10 months. Further, as per report received from the trial Court, the complainant is not coming forward to depose against the petitioner. So, it is apparent that it will take considerable time for the trial to conclude. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

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 29, 2023
Paritosh Kumar

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