

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.20628 of 2023

Date of decision: 2nd May, 2023

Bramesh Kumar @ Lucky

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Balraj Gujjar, Advocate for the petitioner.

Mr. Chetan Sharma, Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of regular bail in case bearing FIR No.212 dated 22.06.2022 under Sections 406, 420 IPC (Section 120-B IPC added later on) registered at Police Station Sadar Kanina, District Mahendergarh (Haryana).

Learned counsel for the petitioner inter alia submits that the petitioner has been in custody since 11.12.2022 in a case of Magisterial trial and there is no likelihood of the trial concluding in the near future as none of the prosecution witnesses have been examined till date. He further submits that similarly situated co-accused have been extended the concession of bail by this Court vide orders dated 13.04.2023 (Annexures P-2 and P-3), hence further incarceration of the petitioner would serve no useful purpose as it is a matter of record that he is a man of clean antecedents being not involved in any other criminal case, much less a case of similar nature.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions of ASI (Ms.) Sunita, has submitted that the petitioner, in connivance with the co-accused, had duped the complainant by fraudulently transferring a sum of ₹ 26,37,140/- into different bank accounts by giving false promise of releasing LIC amount in the sum of ₹ 4,65,856/-, and further reinvesting the said amount into new policies. Learned State counsel, on further instructions, submits that as many as 14 prosecution witnesses have been cited, who are due to be examined on the next date of hearing fixed before the trial Court i.e. 09.05.2023.

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

The petitioner has been in custody since 11.12.2022 and the trial will take a considerable time to conclude as all the 14 prosecution witnesses remain to be examined. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

May 2, 2023
rps

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