

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-25144-2023 (O&M)
Date of decision: 24.11.2023

Vishal Maan

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Sumit S. Bairagi, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

.....

SANJIV BERRY, J. (ORAL)

Custody certificate dated 23.11.2023 filed by learned State
counsel in Court today is taken on record.

2. Instant petition has been filed under Section 439 of the
Code of Criminal Procedure for grant of regular bail to the petitioner in
case FIR (Annexure P-1), which is reproduced below:-

FIR No.	Dated	Sections	Police Station
126	20.08.2020	Section 10 of the Immigration Act and Sections 406, 420, 506, 467, 468, 471 and 120-B IPC	P.S. Sadhaura, District Yamuna Nagar.

3. It has been contended by learned counsel for the petitioner
that the petitioner has been in custody in the present case since
07.12.2020 and despite the charge having been framed way back on

CRM-M-25144-2023 (O&M)

-2-

09.06.2022 till date no witness has been examined and the petitioner is unnecessarily languishing in jail. He further contends that the petitioner is on bail in other cases registered against him and if granted the concession of bail, he will not misuse the same in any manner.

4. Learned State counsel, on the other hand, referring to the reply, has admitted that the charge against the petitioner was framed wayback on 09.06.2022 and till date no witness has been examined by the prosecution out of 17 witnesses cited by the prosecution.

5. Briefly stated that the allegations levelled in the FIR against the petitioner is that he along with one Saloni Saluja had duped the complainant of Rs. 15 lakhs on the pretext of sending him abroad. Admittedly the said co-accused, Saloni Saluja has since been granted concession of bail by this Court in CRM-M-1536-2022, 'Saloni Saluja vs State of Haryana' decided on 11.02.2022, as stated above, the petitioner was arrested in this case on 07.12.2020 and after completion of investigation challan was presented in the learned Trial Court on 08.02.2021 and the charge was framed wayback on 09.06.2022. The prosecution had cited 17 witnesses in the case but till date no witness has been examined by the prosecution. The co-accused, namely Saloni Saluja, has already been granted bail vide order dated 11.02.2022 (*mentioned supra*), no purpose would be served by detaining the petitioner in custody any longer as the conclusion of trial to ascertain

CRM-M-25144-2023 (O&M)

-3-

the criminal liability, if any, of the petitioner will take sufficient long time and he cannot be subjected to incarceration till then. In the circumstances, of the case, without commenting on the merits of the case, the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate.

6. The petitioner shall give the undertaking that he will not to leave the country without prior permission of the Court; will regularly appear before the trial Court on each and every date; in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed and he will not tamper with evidence of prosecution in any manner.

7. 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 present petition.

8. Petition stands allowed.

9. Pending miscellaneous, if any, also stands disposed of.

(SANJIV BERRY)
JUDGE

24.11.2023
preeti

- | | | |
|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |