

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

CRM-M No.27685 of 2023 (O&M)
Date of decision: 31st August, 2023

Azadvir

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Kamal Deep Sehra, Advocate for the petitioner.

Ms. Trishanjali Sharma, Dy. Advocate General, Haryana
for the respondent/State.

Mr. Gaurav Gupta, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

CRM No.36399 of 2023

In view of the averments made in the application and in the interest of justice, the same is allowed and copy of Challan and the orders passed by the trial Court (Annexures P-4 and P-5) are taken on record.

CRM-M No.27685 of 2023

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.521 dated 19.08.2022 under Sections 406, 420, 467, 468, 471, 201 IPC registered at Police Station City Palwal, District Palwal.

2. Learned counsel for the petitioner inter alia submits that in a case of Magisterial trial, the petitioner has now been in custody for almost nine months, having been arrested on 12.12.2022. It has been

further submitted that the sole material witness in the case in hand, i.e. the complainant, already stands examined before the trial Court, hence, further incarceration of the petitioner would serve no useful purpose as there could be no possibility of the petitioner trying to influence the witnesses to depose in his favour. Learned counsel has, therefore, prayed for extending the concession of bail to the petitioner.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has submitted that the petitioner was working with the Municipal Council at Palwal and had got printed a fake receipt book in the name of the said Municipal Council. It has been further submitted that after taking money from the complainant and others, the petitioner issued No Dues Certificates to them on behalf of the Municipal Council and thus, caused a loss of ₹ 4.50 lacs to the Municipal Council. Learned State counsel, on further instructions, submits that there is another case registered against the petitioner, i.e. FIR No.6 dated 04.01.2021 under Sections 420, 406, 467, 468, 471, 120-B IPC wherein also similar allegations have been leveled against him.

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

5. The petitioner has now been in custody since 12.12.2022 and the sole material witness i.e. the complainant stands examined. There is no likelihood of the trial concluding in the near future as 11 prosecution witnesses still remain to be examined. This Court has been informed by

the learned State counsel on instructions, that an application under Section 319 Cr.P.C. has been moved for summoning of the additional accused, hence it is apparent that the trial is unlikely to conclude in the near future. In the facts and circumstances as enumerated hereinabove, since it is a case of Magisterial trial, this Court 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 observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

August 31, 2023
rps

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