

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

CRM-M No.32313 of 2023
Date of decision: 13th July, 2023

Shivender Pratap Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Jagmohan Ghumman, Advocate for the petitioner.
Mr. Rahul Mohan, Sr. Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.355 dated 01.07.2010 under Sections 419, 420, 467, 468, 471, 120-B IPC registered at Police Station Gurgaon City, District Gurugram. This is third application filed by the petitioner.

2. Learned counsel for the petitioner inter alia submits that subsequent to the withdrawal of the previous petition on 21.03.2022, as many as 6 prosecution witnesses including the complainant stand examined. It has been further submitted that similarly situated co-accused Veena Singh (wife of the present petitioner) has since been extended the concession of bail by a Coordinate Bench of this Court vide order dated 14.02.2023, which has been annexed as Annexure P-

11. Learned counsel submits that the motive to register a false case against the petitioner was a matrimonial dispute between their daughter-in-law and the son of the complainant, in which regard an FIR under Sections 498-A, 323, 506 IPC was also lodged against the complainant and his family members. It has still further been submitted that the petitioner has been in custody since 01.02.2020. The material witnesses including the complainant have since been examined. However, the trial is unlikely to conclude in the near future, as 32 prosecution witnesses still remain to be examined. Learned counsel, therefore submits that in the circumstances, further incarceration of the petitioner would serve no useful purpose as the case rests on documentary evidence and there could be no possibility of tampering with evidence or even trying to influence the witnesses to depose in his favour.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from SI Rampal, has not been able to controvert that the complainant, who is a material witness in the case in hand, stands examined. However, he submits that there are serious allegations levelled against the petitioner and the co-accused, of having impersonated the son of the complainant and thereafter, having registered a sale deed in favour of the petitioner. It has been further submitted that thus, it is clearly evident that in view of the sale deed executed, the petitioner was a direct beneficiary. Learned State counsel has also submitted that the petitioner had

absconded for almost seven years before he could be finally arrested on 01.02.2020 and there were 6 other cases pending against him. He has, however, not been able to dispute that the co-accused Veena Singh, who has since been extended the concession of bail by a Coordinate Bench of this Court, too had been declared a proclaimed offender and there were three cases pending against her.

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

5. The petitioner has been in custody since 01.02.2020 and the trial is unlikely to conclude in the near future, as 32 prosecution witnesses still remain to be examined. In the facts and circumstances, as enumerated hereinabove, 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.

6. Needless to add here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

July 13, 2023
rps

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