

CRM-M-32440-2023

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-32440-2023
Date of Decision: 17.08.2023

Gagan Dev Bharti Petitioner

Versus

State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Rahul Singla, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.172 dated 13.05.2023, under Sections 406, 420, 120-B IPC, registered at Police Station Pundri, District Kaithal.
2. It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 07.06.2023 and the investigation of the case has already been completed and thereafter challan has also been presented before the competent Court but the charges were not framed till date. He further submitted that the petitioner has clean antecedents and is not involved in any other case and even otherwise also the allegations were pertained to money dispute which were false allegations which can be seen only at the time of trial by way of adducing evidence. He also submitted that

it is a case which is triable by the Magistrate and the petitioner has already faced incarceration for more than two months and the trial of the case may take long time, therefore, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Vishal Kashyap, learned DAG, Haryana has stated that it is correct that the petitioner is in custody since 07.06.2023 and the investigation of the case has been completed. He further submitted that it is also correct that the petitioner has clean antecedents and he is not involved in any other case and the present case is triable by the Magistrate. He has however stated that the fraud committed by the petitioner was of Rs.14,50,000/- and therefore, he is not entitled for the grant of regular bail.

4. I have heard the learned counsels for the parties.

5. The petitioner is in custody since 07.06.2023. As per the learned counsels for the parties, the investigation of the case has already been completed by the police and challan has also been presented before the competent Court. The present is a case which is triable by the Magistrate. The petitioner is stated to have clean antecedents and is not involved in any other case.

6. In view of the aforesaid facts and circumstances of the case, this Court deems it fit and proper to grant regular bail to the petitioner particularly in view of the fact that the petitioner has clean antecedents. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

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.

17.08.2023 (JASGURPREET SINGH PURI)
Bhumika JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |