

2023:PHHC: 151580

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-32895-2023 (O&M)
Date of decision: 29.11.2023

SHIVJEET SINGH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. V.S. Mahal, Advocate
for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-49005-2023

This is an application for placing on record zimni orders along with statement of complainant Ajit as Annexure P-7 & P-8.

Allowed as prayed for.

Main case

1. On the last date of hearing, learned State counsel had been directed to verify the authenticity of the submissions made by the learned counsel for the petitioner that the complainant despite being summoned repeatedly by the trial Court to get his evidence recorded, had been absenting himself.

2. Learned State counsel, on instructions, has not disputed the submissions made by the counsel opposite that the complainant despite being summoned repeatedly, has not appeared before the trial Court to get his evidence recorded.

3. Learned State counsel, however, on instructions, has informed the Court that the other victims had since been examined before the trial Court and had supported the case of the prosecution.

4. Learned State counsel has also not been able to dispute that the prime accused i.e. Sukhchain Kumar Arora, Managing Director of the company has already been extended the concession of bail by a Co-Ordinate Bench of this Court vide order dated 22.05.2020.

5. Learned counsel for the petitioner has yet again *inter alia* reiterated that the petitioner was merely working as an employee in Wealthway Marketing Company, where the complainant and two others had invested an amount of approximately Rs. 36,21,0000/-; the prime beneficiary of the said investment was co-accused Sukhchain Kumar Arora, who was the Managing Director of the Company and who had since been extended the concession of bail by a Co-Ordinate Bench of this Court on 22.05.2020.

6. It has been further submitted that as the two alleged victims had now been examined before the trial Court, his further incarceration would serve no useful purpose more so since as 22 prosecution witnesses still remained to be examined.

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

8. In the facts and circumstances as enumerated hereinabove, more so, when all the material witnesses stand examined other than the complainant, who for reasons best known to him, has not bothered to step into the witness box to testify, this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

29.11.2023
manoj

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No