

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

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CRM-M-41377-2023(O&M)
Date of decision: 04.10.2023

Harender Singh

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Ashit Malik, Advocate for the petitioner

Mr. B.S. Virk, Sr. DAG Haryana

Mr. Parminder Singh, Advocate for the complainant

AMAN CHAUDHARY. J.

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.137 dated 04.04.2023, registered under Sections 406, 420 and 506 IPC, at Police Station Kurukshetra University, District Kurukshetra.

2. Learned counsel contends that the petitioner is in custody for about 5 months, having been arrested on 06.05.2023. He has been falsely implicated in the case. As per the allegations levelled against him, an amount of Rs.16 lacs was taken by him in the year 2019/2020 from the complainant to send him abroad, which is refuted by making of a submission that mother of the complainant purchased a property from the petitioner vide sale deed executed on 10.02.2021 Annexure P-1, for land measuring 2 Kanal and 17 marlas for which an amount of Rs.8,19,625/-, was paid by her to him vide two cheques. It is a case of Magisterial

trial. Charges have been framed on 05.09.2023, however, none out of 11 prosecution witnesses have been examined. On the last date of hearing before this Court, learned counsel for the complainant had submitted that he shall present himself on 30.09.2023 for recording of his statement, however, as is apparent from the zimni order, produced in Court, that the accused along with his counsel were present as also the Public Prosecutor but no PW was present and the case is now fixed for 16.01.2024 for prosecution evidence, which shows that the complainant is intentionally not causing appearance. The petitioner is not involved in any other case.

3. Learned State counsel assisted by learned counsel for the complainant oppose the bail on the ground that the petitioner had taken the amount but neither sent the complainant abroad nor returned the money. They are however unable to controvert the submissions with regard to custody, stage of the case and the petitioner not being involved in any other case.

4. Heard.

5. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last almost 5 months; not involved in any other case; offences are triable by Magistrate; charges stand framed on 05.09.2023, however, none out of 11 prosecution witnesses has been examined so far; the trial is likely to take a considerable time, thus his further incarceration would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

6. As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the

satisfaction of trial Court/Duty Magistrate concerned and subject to his not being required in any other case. The petitioner shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

7. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

8. In view of the above, it is clarified that the observations made herein

are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

October 04, 2023
M.Kamra

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