

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

CRM-M No.44596 of 2023

Date of decision: 12th December, 2023

Mahabir

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Satnam S. Gill, Advocate for
Mr. Vivek Khatri, Advocate for the petitioner.

Ms. Jasleen Chahal, Asst. 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.171 dated 15.05.2022 under Sections 201, 409 IPC registered at Police Station Asauda, District Jhajjar.

2. Learned counsel for the petitioner inter alia contends that he joined as a Manager of the Cooperative Society in the year 2010 and amount allegedly embezzled and misappropriated was with effect from the year 2007 onwards. Learned counsel has also submitted that the case in hand is based on documentary evidence and 5 material witnesses out of 34 cited by the prosecution already stand examined and hence, his further incarceration would serve no useful purpose, as the trial would take considerable time to conclude. It has also been submitted that the petitioner has clean antecedents as he is not involved in any other criminal case, much less a case of similar nature.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed that the case in hand rests on documentary evidence and furthermore, as many as 5 material witnesses stand examined. On a pointed query put to the learned State counsel as to whether the petitioner is involved in any other criminal case, she on instructions, has replied in the negative.

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 26.12.2022 in a Magisterial trial and there is no likelihood of the trial concluding in the near future as only 5 witnesses out of the 34 cited by the prosecution have been examined so far. In addition to this, all the five material witnesses already stand examined. In the facts and circumstances, as enumerated hereinabove, this Court thus 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

December 12, 2023
rps

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