

214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-42742-2023 in/and
CRA-S-2883-2023
Date of Decision: 21.12.2023

Nimesh Malik ...Appellant

vs.

State of Haryana ...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Kamal Chaudhary, Advocate
for the applicant-appellant.

Mr. Gaurav Gurcharan Singh Rai, DAG, Haryana.

N.S.Shekhawat J. (Oral)

CRM-42742-2023

1. The applicant-appellant has filed the present application under Section 482 Cr.P.C. read with Section 5 of the Limitation Act for condonation of delay of 17 days in filing the present appeal.

2. Notice of the application.

3. Mr. Gaurav Gurcharan Singh Rai, DAG, Haryana appears and accept notice on behalf of respondent No.1 and Mr. Shakti Singh, Advocate, appears and accepts notice on behalf of respondent No.2-Complainant and they have no objection in case the application is allowed.

4. For the reasons mentioned in the application, the same is allowed.
The delay of 17 days in filing the present appeal is condoned.

CRA-S-2883-2023

1. The appellant has filed the present appeal against the impugned order dated 13.06.2023, passed by the Court of Additional Sessions Judge,

Faridabad, whereby the regular bail application filed by the present appellant was ordered to be dismissed in case arising out of FIR No.267 dated 26.05.2022 under Sections 420, 506 and 34 of IPC and Section 3 of SC and ST Act, registered at Police Station Adarsh Nagar, Faridabad.

2. Learned counsel for the appellant contends that the appellant and other co-accused have been falsely involved in the present case. It was the complainant himself, who had initially started harassing and blackmailing the friend of the appellant. Even the matter was reported to the police and the complainant still did not mend his ways and kept on troubling Kajal @ Sargam Gupta. Later on, a compromise was affected between Ajay Kumar (complainant) and Kajal @ Sargam Gupta. After a compromise, the complainant fabricated some evidence against the appellant and Kajal @ Sargam Gupta and got the present FIR registered. Learned counsel for the appellant further contends that the appellant was arrested in the present case on 04.05.2023 and is in custody for the last more than 7 months. He further contends that in the present case, challan has already been presented and the charges have been framed against the present appellant. However, no witness has been examined so far.

3. On the other hand, learned State counsel assisted by learned counsel for the respondent No.2/complainant have vehemently opposed the submissions made by learned counsel for the appellant on the ground that the appellant is the main accused and does not deserve the concession of bail.

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

5. The appellant is in custody for the last more than 7 months and the charges have been framed against him. However, the prosecution has not been able to examine even a single witness till date and the conclusion of the trial may take quite a considerable time. Thus, no purpose would be served by keeping the appellant behind the bars.

6. Without commenting on the merits of the case, the present appeal is allowed and the appellant is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

21.12.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned :
Whether reportable

:
:

Yes/No
Yes/No