

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

CRM-M No.55322 of 2022 (O&M)
Date of decision: 31st July, 2023

Mangal Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rao Ajender Singh and Mr. Keerat Dhillon,
Advocates for the petitioner.

Mr. Rahul Mohan, Sr. Dy. Advocate General, Haryana
for the respondent/State.

Mr. Gautam Dutt, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.118 dated 16.03.2022 under Sections 420, 467, 468, 471, 474 IPC registered at Police Station Model Town, District Rewari.

2. Learned counsel for the petitioner inter alia submits that totally false allegations have been levelled that a forged and fabricated agreement to sell had been executed by the petitioner. He submits that the petitioner has now been in custody since 28.09.2022 and after the charges were framed on 03.02.2023, none of the prosecution witnesses including the complainant had appeared before the trial Court to get

their statements recorded. Learned counsel submits that it is a matter of record that despite bailable warrants having been issued to secure the presence of the complainant, she had failed to put in appearance and now non-bailable warrants have been issued to secure her presence for 04.08.2023. It has also been submitted that in the circumstances, trial is unlikely to conclude in the near future as none of the 10 prosecution witnesses have been examined till date. A prayer has therefore, been made for extending the concession of bail to the petitioner, as his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel on instructions from SI Mahinder assisted by the learned counsel for the complainant, while opposing the prayer and submissions made by the counsel opposite, have reiterated the allegations levelled against the petitioner in the FIR in question. However, they have not been able to dispute that the trial has not made much progress on account of non-appearance of the prosecution witnesses before the trial Court.

4. On a pointed query put to the learned State counsel qua the antecedents of the petitioner, he on instructions has informed the Court that the petitioner is not involved in any other criminal case.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. The petitioner has now been in custody since 28.09.2022 for offences triable by Magistrate. The trial shall take considerable time

to conclude. 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

July 31, 2023
rps

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