

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

CRM-M-60823-2022
Decided on : 09.01.2023

Om Parkash

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. G.S.Sandhu, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

Manjari Nehru Kaul, J.(Oral)

Present petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.377 dated 01.05.2022 (wrongly mentioned as 04.06.2021 in the impugned order) under Sections 406, 420 and 34 IPC registered at Police Station Sadar Karnal, Karnal.

Learned counsel for the petitioner submits that the petitioner, who has been in custody since 07.02.2022, has been falsely implicated in the case in hand pertaining to the crime, which allegedly took place in the year 2018. While inviting the attention of this Court to the allegations levelled in the FIR in question, learned counsel submits that in the FIR it was alleged that the petitioner along with co-accused Suresh lured several labourers on the pretext of getting a loan sanctioned from the government agency under the Pradhan Mantri Gram Awas Yojana and then duped them of an amount totaling Rs.3,50,000/-. Learned counsel further submits that since the investigation is complete and prosecution evidence is underway,

further incarceration of the petitioner would not serve any useful purpose as the trial was unlikely to conclude in the near future as only 10 out of the 21 prosecution witnesses had been examined till date. It has lastly been urged that the petitioner is not involved in any other criminal case much less of similar nature.

Per contra learned State counsel while opposing the prayer and submissions made by counsel opposite on instructions from ASI Rajnish Kumar submits that there are serious allegations levelled in the FIR against the petitioner of duping innocent people on the pretext of helping them to procure loans under Pradhan Mantri Gram Awas Yojana. Learned State counsel further submits that the next date of hearing fixed before the trial Court is 16.01.2023 when couple of more witnesses are likely to be examined. Learned State counsel has, however, not been able to dispute that the petitioner is not involved in any other case much less of similar nature.

Heard learned counsel for the parties and perused the relevant material on record.

In the facts and circumstances as enumerated hereinabove coupled with the fact that only 10 out of 21 prosecutions witnesses have been examined so far, further incarceration of the petitioner would not serve any useful purpose. This Court deems it fit to extend the concession of bail to the petitioner as the trial will take considerable time to conclude. Accordingly, the present petition is allowed. The petitioner be admitted to bail to the satisfaction to 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.

09.01.2023
sonia

(MANJARI NEHRU KAUL)
JUDGE

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