

2023:PHHC: 151931

255

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-59134-2023 (O&M)

Date of decision: 29.11.2023

BASANT

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Archit Kaushik, Advocate
for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana.

Mr. Shokeen S. Verma, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No. 273 of 2022 dated 13.06.2022 under Sections 406/420/421/422/424/34/120-B IPC, registered at Police Station Mehem, District Rohtak.

2. Learned counsel for the petitioner *inter alia* contents that in a case of Magisterial trial, the petitioner has now been in custody for since 16.06.2023. It has been submitted that there is no likelihood of the trial concluding in the near future since the prosecution evidence has not yet commenced. A prayer has therefore, been made for extending the concession of bail to the petitioners, as their further incarceration would serve no useful purpose.

3. Learned State counsel assisted by learned counsel appearing on behalf of complainant has vehemently opposed the prayer made for extending the concession of bail to the petitioner. Learned State counsel submits that the father of

the petitioner was a money lender in the village and had duped almost 300 people of their hard earned money and thereafter fled away after locking their house; resultantly, the petitioner as well as his entire family members were declared proclaimed persons. It was only recently as on 16.06.2023, when they were arrested.

4. Learned State counsel has further submitted that challan stands presented and charges have been framed, however, the next date fixed before the trial Court is 04.01.2024, when the prosecution evidence is to start.

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 16.06.2023 and the trial would take considerable time to conclude as the prosecution evidence has not yet started and is likely to start on 04.01.2024. In the facts and circumstances as enumerated hereinabove, coupled with the fact that it is a case of Magisterial trial, 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.

29.11.2023
manoj

(MANJARI NEHRU KAUL)
JUDGE

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