

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

CRM-M No.59801 of 2023
Date of decision: 8th December, 2023

Nikhil Kumar @ Ankit @ Aniket

... Petitioner

Versus

State of Haryana & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Jatin Bansal, Advocate for the petitioner.

Ms. Trishanjali Sharma, Dy. 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.014 dated 25.01.2022 under Sections 420, 467, 468, 471, 120-B IPC registered at Police Station Satnali, District Mahendergarh (Haryana). This is the second petition filed by the petitioner.

2. Learned counsel for the petitioner inter alia contends that the petitioner's false implication in the case at hand is evident from the fact that while stepping into the witness box, both the complainant as well as the victim did not support the case of the prosecution, as a result of which they both were declared hostile. In support, learned counsel has drawn the attention of this Court to the deposition of both the complainant and

the victim, which has been annexed as Annexure P-6. It has been further submitted that since there are only two material witnesses in the case at hand and both of them stand examined, further incarceration of the petitioner in the circumstances, would serve no useful purpose, as there could be no likelihood of the petitioner tampering with the evidence or trying to influence the witnesses to depose in his favour. It has been submitted that 8 witnesses cited by the prosecution still remain to be examined and there is thus, no likelihood of the trial concluding in the near future; hence, the petitioner, who has clean antecedents, be extended the concession of bail as now he has been in custody since 11.03.2023.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not been able to dispute that both the material witnesses i.e. the complainant as well as the victim, had been declared hostile during trial. It has also not been disputed that other than the complainant and PW-3 Praveen, there is no other material witness to be examined. However, learned State counsel submits that there were allegations against the petitioner of having cheated the complainant and PW-3 Praveen of an amount of ₹14.00 lacs (₹ 7.00 lacs each) on the pretext of providing him a job of Booking Clerk in the Railways.

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

5. Both the material witnesses, who had allegedly been cheated and duped by the petitioner, were declared hostile during trial. No other material witness remains to be examined. The trial is unlikely to conclude in the near future, as prosecution evidence is still underway. 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 8, 2023

rps

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