

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.1977 of 2024

Date of decision: 4th March, 2024

Mukesh @ Mahant Sarswati Giri

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vansh Malhotra, Advocate for the petitioner.

Mr. Rajesh Gaur, Addl. 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.805 dated 11.12.2022 under Sections 406, 420 of the IPC registered at Police Station Krishana Gate, Thanasar, District Kurukshetra.

2. Learned counsel for the petitioner inter alia contends that false allegations have been leveled against the petitioner of having cheated the complainant of an amount of ₹8.00 lacs on the pretext of providing him a job in Kurukshetra University. He submits that in a case resting on documentary evidence, the petitioner has now been in custody since 31.08.2023 and there is no likelihood of the trial concluding in the near future as 20 prosecution witnesses still remained to be examined. 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 while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed that the case in hand rests on documentary evidence, which is in the shape of some audio conversation between the petitioner and the complainant. It has, however, been submitted by the learned State counsel, on instructions, that the petitioner is involved in five other cases of similar nature under Section 420 of the IPC. On a pointed query put to the learned State counsel as to the stage of the trial, he on instructions has not disputed that as on date only 2 witnesses stand examined out of the 22 cited by the prosecution.

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

5. In a Magisterial trial, the petitioner has now been in custody since 31.08.2023 and the trial is unlikely to conclude in the near future as 20 prosecution witnesses still remain to be examined. Further incarceration of the petitioner in the case in hand would serve no useful purpose. 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.

6. Needless to add here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

March 4, 2024
rps

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