

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.10853 of 2024
Date of decision: 6th March, 2024

Gulab Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sandeep Kotla, Advocate for the petitioner.

Mr. Rahul Mohan, Sr. 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.197 dated 16.09.2022 under Sections 419, 420, 409, 417 (added later on) 120-B of IPC registered at Police Station Bhattu Kalan, District Fatehabad.

2. Learned counsel for the petitioner inter alia contends that in a Magisterial trial, the petitioner has now been in custody since 26.10.2023; investigation in the case in hand is complete as even challan stands presented, however, there is no possibility of the trial concluding in the near future as charges are likely to be framed only on the next date of hearing fixed before the trial Court i.e. 15.03.2024. It has also been submitted that as many as 15 witnesses have been cited by the prosecution. 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 from P/SI Pardeep, has submitted that the petitioner along with co-accused misappropriated superior stock of rice with inferior rice which had been kept in the godowns of HAFED. Learned State counsel, however, has not disputed that the investigation in the case in hand is complete. It has also not been disputed that the petitioner is not involved in any other criminal case much less of similar nature.

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

5. In a case of Magisterial trial, the petitioner has now been in custody since 26.10.2023. Investigation in the case in hand is complete, however, the trial would take considerable time to conclude as charges have also not been framed. 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

March 6, 2024
rps

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