

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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2024:PHHC:089462



CRM-M-26767 of 2024
Date of Decision:- 17.07.2024

Ankit Chahal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gagandeep Singh Virk, Advocate
for the petitioner.

Mr.Shiva Khurmi, AAG, Punjab.

MANJARI NEHRU KAUL, J. (Oral)

1. Instant petition has been filed by the petitioner seeking concession of regular bail in case FIR No.218 dated 17.10.2019 under Sections 406, 420, 120-B, IPC registered at Police Station Phase 1, SAS Nagar Mohali.
2. Learned counsel for the petitioner has submitted that it was on account of some business dispute with the complainant that a false and fabricated case has been planted upon him. It has further been submitted that in a magisterial trial, the petitioner has now been in custody since 28.08.2023; all the material witnesses including complainant stand examined and since the case rests on documentary evidence which is already in possession of the investigating agency; hence, there can be no apprehension of the petitioner tampering with evidence or even trying to influence the

witnesses. Prayer has, therefore, been made that in the aforesaid facts and circumstances, the petitioner be admitted to bail.

3. Per contra, learned State counsel while opposing the submissions made by the counsel opposite has not disputed that all the material witnesses including the complainant stand examined. It has further been submitted, on instructions, that the present case hinges on documentary evidence which is already part of the challan. However, learned State counsel has submitted that the petitioner had misappropriated an amount of Rs.45 lacs approximately, which had been given to him by the complainant, though part of it, had been given through cash. It has also been submitted by the State counsel that the petitioner after being granted bail had absented during trial and was declared proclaimed offender on 06.08.2022; he was arrested only on 28.08.2023.

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

5. The petitioner has been in custody since 28.08.2023. All the material witnesses admittedly stand examined, 14 prosecution witnesses still remain to be examined; the trial is thus, likely to take some time to conclude.

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail subject to the furnishing of bail/surety bonds to the satisfaction to the trial Court/Duty Magistrate concerned.

7. 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.

17.07.2024
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(MANJARI NEHRU KAUL)
JUDGE

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