



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

225

CRM-M-29705-2024
Date of decision: December 12th, 2024

Suresh Sharma
.....Petitioner

Versus

State of Haryana
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Bipan Ghai, Senior Advocate
with Mr. Nikhil Ghai, Mr. Mukesh Singh
and Mr. Archit Kaushik, Advocates
for the petitioner.

Mr. Rahul Mohan, Senior Deputy Advocate General,
Haryana.

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of regular bail under in
FIR No.273 dated 13.06.2022 under Sections 406, 420, 421, 422, 424,
34, 120-B of the IPC registered at Police Station Meham,
District Rohtak.

2. On 22.08.2024, submissions made by the learned senior
counsel for the petitioner were duly noted and the following order was
passed:

*“Learned counsel for the petitioner submits that
no doubt the petitioner was declared proclaimed
offender in the present FIR, however, he has now been
in custody since 16.06.2023. He submits that the
instant case hinges on documentary evidence which is
part of the challan, presented before the trial Court.
Learned counsel further submits that even otherwise,
totally false and exaggerated allegations have been*

levelled against the petitioner, who was working as an Aarhti; there was not even a single instance from which it could be gathered that there had been any cash transaction between the petitioner and the alleged victims. Learned counsel, still further submits that although the prosecution evidence commenced on 04.01.2024 but till date only 01 witness had been examined. Hence, the possibility of the trial concluding in the near future did not arise, since as many as 226 witnesses had been cited by the prosecution.

Learned State counsel, while opposing the prayer and submissions made by the counsel opposite, on instructions, has drawn the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1. It has been submitted that the petitioner had cheated and duped innocent villagers of an amount running into crores of rupees and thereafter, he along with his family had fled away from the village. It has also been submitted by the learned State counsel that the other family members of the petitioner, although now arrested, had also been declared proclaimed offenders like the petitioner. Learned State counsel has still further, submitted that in view of the huge amount cheated by the petitioner, there is every likelihood that he could yet again abscond and even tamper with material evidence, hence, he does not deserve to be granted the concession of bail.

On a pointed query put to the learned State counsel as to what was the delay in recording of prosecution evidence after 04.01.2024, he has feigned ignorance about the same and sought an adjournment to get relevant instructions.

On request, adjourned to 18.10.2024.”

3. Learned senior counsel for the petitioner has submitted before the Court today that for several dates in the recent past, the

progress of the trial has been delayed primarily due to an application filed by the complainant under Section 216 of the Cr.P.C. for addition of an offence under Section 3 of The Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013 (for short 'the 2013 Act'). It has been further submitted that in addition, on certain dates, the proceedings before the trial Court had to be adjourned due to the lawyers abstaining from work.

4. Learned State counsel, on instructions from S.I. Narender, has neither disputed that the petitioner has been in custody since 16.06.2023 nor has he disputed the stage of the trial. However, learned State counsel has expressed concern that the petitioner was previously declared a proclaimed offender, and if granted bail, there is a likelihood that he may again absent himself during the trial.

5. In response, learned senior counsel for the petitioner has given an undertaking to this Court that the petitioner is willing to comply with any stringent conditions, which may be imposed upon him while being granted bail. A further undertaking has been given by the learned senior counsel that the petitioner would appear on each and every date of hearing and would not absent himself during the trial under any circumstances.

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

7. The petitioner has been in custody since 16.06.2023, a fact that has not been disputed by the learned State counsel. It has also not been disputed by the learned State counsel that out of the 223 prosecution witnesses cited, only one has been examined so far.

Additionally, the complainant has also filed an application under

Section 216 of the Cr.P.C. seeking addition of an offence under Section 3 of the 2013 Act, which is further contributing to the delay in the conclusion of the trial.

8. Given the above, it is evident that the likelihood of the trial concluding in the near future is remote. In view of the prolonged custody of the petitioner in a magisterial trial and the slow progress of the trial, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned; the trial Court may impose any such stringent conditions upon the petitioner to ensure his presence during the trial.

9. 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.

December 12th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

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