



210

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

CRM-M-42720-2023**Date of Decision: 19.09.2024**

Harish Kumar Wadhwa

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Dr. Anju Sharma, Advocate (Amicus Curiae)
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.222 dated 12.08.2015 registered under Sections 420, 409, 120-B of IPC and Sections 4 and 5 of Prize Chit Money Circulation Scheme (Banning) Act, 1978, at Police Station City Barnala, District Barnala.

2. Learned counsel for the petitioner contends that the petitioner, his ex-wife and two more persons were arrayed as an accused in the present case. The wife of the petitioner had filed an anticipatory bail petition before this Court and the matter was referred to the Mediation and Conciliation Centre of this Court. In view of the compromise held before the Mediation and Conciliation Centre, an amount of Rs.29.50 lacs was paid, out of total amount of Rs.1 crore 31 lacs. However, later on, due to ill-health of the petitioner and his wife, the remaining amount could not be paid to the victims. Learned counsel further



contends that the petitioner is in custody for the last more than 01 year and 09 months. Only 15 witnesses, out of total 59 witnesses have been examined so far and the conclusion of the trial may take quite a long time. Learned counsel further contends that earlier the petitioner was granted the concession of interim bail and the petitioner remained on bail for quite a long period. However, the petitioner did not misuse the concession of interim bail granted by this Court.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

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

5. In the present case, the petitioner is in custody for the last more than 01 year and 09 months. All the offences are triable by the Court of Magistrate and till date, only 15 witnesses, out of total 59 witnesses have been examined so far and there are no chances of conclusion of the trial in near future. Thus, no purpose will be served by keeping the petitioner behind bars.

6. Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

19.09.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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