



Item No.213

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

**CRM-M-50419-2023 (O&M)
Date of decision : 20.05.2024**

Mohan Lal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. S. S. Sahu, Advocate,
for the petitioner.

Mr. Parveen Bhadu, AAG, Haryana.

Mr. Munish Kamboj, Advocate, for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail pending trial to the petitioner in FIR No.28 dated 10.02.2021(P-1), under Sections 406 and 420 read with Section 34 of the Indian Penal Code, 1860, registered at Police Station Bhuna, District Fatehabad.

2. Allegations are that petitioner along with other co-accused cheated complainant-Usha Rani W/o Subhash Chander to the tune of Rs.9,95,500/- on the pretext of providing wedding items, but they failed to do so.

3. Learned counsel contends that petitioner was granted interim bail by this Court on 29.01.2024 and in pursuance thereof, he is regularly appearing before learned trial Court. Also submits that



charges are yet to be considered thus; conclusion of trial will take sufficient long time. Learned counsel also contends that petitioner is in custody since 04.09.2023 and there is no criminal case pending against him. Again contends that there is no apprehension that petitioner is likely to influence the prosecution witnesses or hamper the trial, in any manner; hence, sending him to custody, would not serve any purpose.

4. Learned State counsel after obtaining instructions is not been able to dispute the above factual position; rather, acknowledged that case is now fixed before learned trial Court for consideration of charges.

5. *Per contra*, learned counsel for the complainant opposed the prayer on the premise that on earlier occasion, petitioner was evading the process of law.

6. Heard learned counsel for both the sides and perused the paper book.

7. It is a matter of record that petitioner was granted interim bail by this Court on 29.01.2024 and the order reads as under:-

“Contends that petitioner is in custody since 04.09.2023. After investigation, report under Section 173 Cr.P.C. was submitted before the Court of competent jurisdiction on 01.11.2023; but charges are yet to be considered. Also contends that there is no other criminal case pending against the petitioner.

Learned State counsel seeks time to verify the above factual position.

Posted for 20.03.2024.



In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

8. It is acknowledged by learned State counsel that in terms of the aforesaid order, petitioner was released on interim bail and he is regularly appearing before learned trial Court. There is no allegation that he is likely to misuse the concession of bail or hamper the proceedings in case his interim bail is made absolute. Since, trial is likely to take sufficient long time; hence, sending the petitioner to custody at this stage would not serve any purpose.

9. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 29.01.2024, is made absolute. Petitioner shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10. Petitioner shall appear on each & every date of hearing and to fully co-operate with the learned trial Court without seeking any unnecessary adjournment.

11. Above observations be not construed as an expression of opinion on merits of case, in any manner.

12. It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.



13. Pending application(s), if any, shall also stand disposed off.

20.05.2024
anil/v

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No