

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.51433 of 2023

Date of decision: 13th March, 2024

Sachin Kalyan

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sunny Tyagi, Advocate for the petitioner.

Mr. Rajesh Gaur, Addl. Advocate General, Haryana
for the respondent/State.

Mr. Nonish Kumar, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.644 dated 29.06.2023 under Sections 407, 420 IPC registered at Police Station Sadar, District Karnal.

2. Learned counsel for the petitioner inter alia contends that in a case of Magisterial trial, the petitioner has now been in custody since 04.07.2023; not only does the challan stand presented but even charges stand framed, however, none of the 19 witnesses cited by the prosecution have been examined so far, hence his further incarceration would serve no useful purpose as there could be no possibility of the

petitioner tampering with the evidence or even trying to intimidate/influence the witnesses.

3. Per contra, learned State counsel, assisted by learned counsel appearing on behalf of the complainant, have vehemently opposed the prayer and submissions made by the counsel opposite. On instructions from ASI Dharmender, it has been submitted that the petitioner was working as an Accountant with the complainant and had embezzled a huge amount of more than ₹38.00 lacs by fraudulently transferring the entire amount into a fictitious company floated by him. Learned State counsel, on further instructions, has not disputed that not only is investigation complete but even charges stand framed and still further, the instant case is based on documentary evidence.

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 04.07.2023. The entire case of the prosecution rests on documentary evidence and hence, there can be no apprehension of the petitioner tampering with material evidence, much less trying to intimidate/influence the witnesses. Trial would take considerable time to conclude as prosecution has cited 19 witnesses. 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 13, 2024

rps

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