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

CRM-M-52010-2023 (O&M)

Date of decision : 28.02.2024

Chandi Ram

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Pawan Attri, Advocate,
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

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.206 dated 30.05.2023, under Sections 406 & 420 of the Indian Penal Code, 1860, registered at Police Station Sadar Pehowa, District Kurukshetra.

2. Allegations are that petitioner cheated the complainant by intentionally selling land measuring 30 kanals, 09 marlas situated at Village Mohanpur, Tehsil Pehowa, despite stay order issued by this Court.

3. Custody certificate produced by learned State counsel is taken on record.

4. Contends that petitioner is in custody since 06.07.2023; investigation is already complete; and charges stand framed on

26.09.2023. Also submits that out of total 09 prosecution witnesses, only 02 have been examined so far; thus, conclusion of trial will take sufficient long time. Again contended that there is no other criminal case pending against the petitioner.

5. Learned State counsel, on instructions, has fairly acknowledged the above factual position.

6. Heard both sides and perused the paper-book.

7. Concededly, petitioner is in custody since 06.07.2023; and out of total 09 prosecution witnesses, only 02 have been examined till date; therefore, conclusion of trial may take sufficient long time. It is not the allegation of State that in case, petitioner is released on bail, he shall influence the witnesses or hamper the course of trial, in any manner; thus, further incarceration of the petitioner would not serve any purpose.

8. Consequently, present petition is allowed; petitioner shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

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

10. The above observations may not be construed as an expression of opinion on the merits of the case.

11. It is clarified that in case there is recurrence or 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.

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

28.02.2024
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

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