

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

226

2024:PHHC:023330  
CRM-M-52311-2023  
Date of decision: February 20, 2024

RANDHIR  
...Petitioner

Versus

STATE OF HARYANA  
...Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. Parveen Sharma, Advocate  
for the petitioner.

Ms. Trishanjali Sharma, Deputy Advocate General, Haryana.

**MANJARI NEHRU KAUL, J. (ORAL)**

1. The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.32 dated 17.01.2022 (Annexure P-1) under Sections 419, 420, 467, 468 and 120-B of the Indian Penal Code, 1860 (and Sections 201 IPC added during investigation), registered at Police Station Civil Lines, Hisar.
2. Learned counsel for the petitioner *inter alia* contends that in a magisterial trial, the petitioner has been in custody since 16.03.2022 and only 3 witnesses out of the 13 cited by the prosecution have been examined till date. It has been further submitted that the trial is unlikely to conclude in the near future and hence, further incarceration of the petitioner would service no useful purpose.
3. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the learned counsel for the petitioner, on instructions, has informed the Court that the petitioner has criminal antecedents as he is involved in a number of other criminal cases, which stand reflected in the custody

certificate, which has been placed on record in the Court today. However, she has not disputed that after the challan was presented on 01.07.2022 followed by the framing of charges, only 3 prosecution witnesses had been examined till date.

4. Learned counsel for the petitioner, on the other hand, submitted that no doubt he is involved in some other criminal cases, however, in those cases, he had just furnished surety before the learned trial Court *qua* the accused in those cases.

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

6. The FIR in question, which has been annexed as Annexure-P/1, came to be registered on 17.01.2022. The relevant portion of the FIR in question is reproduced hereinbelow: -

*“It is brought to your notice that in the above cited case, accused Frank Joseph was admitted to bail vide order dated 16.07.2021. However, on 20.08.2021 he absented, therefore, his bail was cancelled and warrants of arrest were issued against him. The surety bonds were also cancelled and forfeited to the state and notices to the sureties and their identifier were issued. Pursuant to the notice, sureties Pala Ram, Raj Kumar and identifies Jai Bhagwan appeared before the Court on 11.10.2021, 08.11.2021 and stated that they never appeared as sureties/identifier in this case. However, the identification documents of the sureties and the identifier are available on file. It seems that some other persons have impersonated the sureties and the identifier on the basis of fake documents. You are, therefore, requested to get the matter investigated to bring the culprits to the books and submit your report on or before 28.01.2022 the date fixed in this case.”*

7. In the aforementioned circumstances and the petitioner facing trial for offences triable by the Magistrate, further incarceration of the petitioner would serve no useful purpose as 10 prosecution witnesses still remain to be examined.

8. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition is allowed; the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned.

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.

10. Needless to add here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to him.

**February 20, 2024**

*Jaspreet Kaur*

**(MANJARI NEHRU KAUL)**

**JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No