



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

CRM-M No.49903 of 2024 (O&M)
Date of Decision: 13.11.2024

Vishal Khanna

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Manoj Kumar, Advocate and
Ms. Mehak Sharma, Advocate, for the petitioner.

Mr. Yuvraj Sandilya, AAG Haryana.

Manjari Nehru Kaul, J.(Oral)

1. This is the petition filed by the petitioner seeking concession of regular bail in case FIR No.102 dated 20.03.2024 under Sections 406 and 409 IPC registered at Police Station Ambala City, District Ambala.
2. Learned counsel for the petitioner submits that in a case triable by Magistrate, the petitioner has been in custody since 28.05.2024. It has been further submitted that the petitioner has been falsely implicated in the present case for allegedly taking away gold ornaments weighing 55 grams 20 miligrams from the complainant on an assurance that he would give some gold jewelry in exchange of the same. Learned counsel submits that not only has the challan been presented but even charges stand framed in the instant case. Hence, his further incarceration would serve no useful purpose as the trial would take considerable time to conclude. It has also been



asserted by the learned counsel that in the preceding six dates before the trial Court, repeated adjournments have been sought by the prosecution.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite has reiterated the allegations leveled against the petitioner in the FIR in question, which has been reproduced in the body of the petition. Learned State counsel, however, has not been disputed the custody period of the petitioner as well as the stage of trial. It has also not been undisputed that on the preceding six dates, none of eight prosecution witnesses have been examined and repeated adjournments have been sought.

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

5. In a magisterial trial, the petitioner has been in custody since 28.05.2024. Since the entire case of the prosecution is, *prima facie*, supported by CCTV footage, there can now be no apprehension of the petitioner tampering with evidence as it is already part of the challan. The trial is unlikely to conclude in the near future.

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

7. 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.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

13.11.2024
sandeep

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No