

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-54058-2023

Date of decision: 15.02.2024

Surender Kumar

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sanjiv Gupta, Advocate,
for the petitioner.

Ms. Trishanjali Sharma, Deputy Advocate General, Haryana.

Manjari Nehru Kaul, J. (oral)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.265 dated 13.07.2023, under Sections 419, 420, 500, 501, 509, 201, 120-B IPC, registered at Police Station, City, Thanesar.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been in custody since 26.07.2023 for having allegedly sent derogatory letters in the name of the complainant, who was working as Daftri in the District Courts, Kurukshetra, to various officers. Learned counsel contends that the petitioner has clean antecedents; challan has been presented. After the challan was presented, charges stood framed and as many as 06 prosecution witnesses, out of 31 cited, including the complainant, already stood examined. Hence, in the circumstances, further

incarceration of the petitioner would serve no useful purpose, more so since

the case in hand rests on documentary evidence.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has reiterated the allegations levelled against the petitioner in the FIR, which has been reproduced in the body of the petition. However, she has not disputed, on instructions, that the complainant, who is the sole material witness in the case in hand, has since been examined before the trial Court. On the pointed query put to the learned State counsel, as to whether the petitioner has any criminal antecedents, she on instructions, has replied in the negative.

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

5. As on date, 06 prosecution witnesses, including the complainant, stand examined. There is no likelihood of the trial concluding in the near future as 24 prosecution witnesses still remain to be examined. 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.

6. Needless to add here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

15.02.2024
Ajay Prasher

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