

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M-55400-2023

Date of decision: 08.04.2024

Vijay Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Atul Ravish, Advocate
for the petitioner.

Mr. Rajesh Gaur, Addl. A.G., Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.59 dated 04.02.2022 under Sections 406, 420, 467, 468, 471, 120-B, 204 of the IPC registered at Police Station Ballabgarh Sadar, District Faridabad.

2. Learned counsel for the petitioner inter alia contends that it is a matter of record that even though the petitioner was arrested on 16.12.2022 and challan was presented on 15.02.2023, however, despite the case being adjourned repeatedly, the complainant had been absenting herself during trial as a result of which her evidence has not yet been concluded. Learned counsel has submitted that in the aforementioned facts and circumstances, the possibility of the trial concluding in the near future was unlikely, and the petitioner could not be made to languish in custody to await the appearance of the complainant. It has also been submitted that as many as 21 prosecution

witnesses have been cited and none of them have been examined till date.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Rohtash, has not been able to dispute the stage of trial. He, on instructions, has also not been able to controvert that the complainant has been irregular in her appearances before the learned Trial Court and she has only been partially examined till date. He, on further instructions has informed the Court that the next date fixed before the learned Trial Court is 10.04.2024 when the examination in chief of the complainant in all likelihood would be concluded. Learned State counsel has further submitted that the petitioner had duped the complainant of an amount of Rs.35 lakhs on the pretext of securing him a job in the Food Corporation of India.

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

5. In a magisterial trial the petitioner has been in custody for almost 01 year and 04 months have been arrested on 16.12.2022. As not disputed by the learned State counsel, the complainant has been irregular in her appearances before the learned Trial Court and her evidence is still underway. Other than the complainant, no other witness has been examined so far. Hence, the trial would take considerable time to conclude. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. 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. 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.

08.04.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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