

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

220

2024:PHHC:007367

CRM-M-55880-2023

Date of decision: January 19th, 2024

Sanjay Verma

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Dr. Pankaj Nanhera and Mr. Pradeep Duhan, Advocates
for the petitioner.

Ms. Jasleen Chahal, Assistant Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

This is a second petition filed by the petitioner seeking the concession of regular bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.164 dated 05.06.2021 under Sections 406, 420, 506, 120-B, 201 of the Indian Penal Code, 1860 (Sections 4 and 76 of Chit Fund Act, 1982 added later on) registered at Police Station NIT Faridabad.

2. Learned counsel for the petitioner, *inter alia*, contends that a false case has been planted upon the petitioner for allegedly luring and thereafter, duping the complainant of huge amount of money, which had been invested by him in his chit fund business. Learned counsel further submits that a dispute essentially of a civil nature has been given a criminal complexion by the complainant after colluding with the police. It has still further been submitted that in a magisterial trial, the petitioner has now been in custody for almost 1 year and 8 months having been arrested on 22.05.2022 and all the material witnesses stand examined. Learned counsel submits that in the facts and circumstances,

more so since the case in hand rests on documentary evidence, his further incarceration would serve no useful purpose as 22 prosecution witnesses still remain to be examined.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Rajkumar, has not disputed that all the material witnesses stand examined and the next date before the trial Court is 30.01.2024 when some more witnesses out of the remaining 22 are likely to be examined. Learned counsel has also informed the Court that the petitioner is involved in one other case of similar nature, where he is still behind bars.

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

5. The petitioner has been in custody since 22.05.2022 in a magisterial trial. The trial would take considerable time to conclude. Hence, in the facts and circumstances, the instant petition is allowed. The petitioner be admitted to bail 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.

January 19th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No