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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-60674-2023 (O&M)
Date of decision: 06.03.2024

Aarif

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Mudit Johar, Advocate for
Mr. Abhimanyu Singh, Advocate
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail pending trial to the petitioner in FIR No.22 dated 16.06.2023, under Sections 419, 420 read with Section 34 of the Indian Penal Code, 1860 (for short 'the IPC'), registered at Police Station Cyber Crime, District Nuh (Haryana).

2. Allegations in brief are that a deal for purchase of X-ray machine by the complainant was effected and on the pretext that machine has been damaged due to fire, neither the same was sent nor the amount was returned.

3. Learned counsel for the petitioner contends that petitioner was granted interim bail by this Court on 12.12.2023 and he is regularly appearing

before learned trial Court. There is no apprehension that petitioner is likely to influence the prosecution witnesses or hamper the trial, in any manner.

4. Learned State Counsel is not able to dispute the above factual position.

5. Heard learned counsel for both sides and perused the paper book.

6. It is a matter of record that petitioner was granted interim bail by this Court on 12.12.2023 and the order reads as under: -

“Contends that petitioner is in custody since 26.09.2023; charges were framed on 06.12.2023 and out of total 09 prosecution witnesses, none has been examined till date. Also contends that there is no other criminal case pending against the petitioner.

Learned State Counsel seeks time to verify the above factual position.

Posted for 07.02.2024.

In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on his furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned”

7. Learned State counsel is not able to dispute that in terms of the aforesaid order, petitioner was released on interim bail and he is regularly appearing before learned trial Court. There is no allegation that in case interim bail is made absolute, petitioner is likely to misuse the concession of bail or hamper the proceedings. Moreover, out of total 09 prosecution witnesses, none

has been examined till date and as such, the trial is likely to take sufficient long time; hence sending the petitioner to custody at this stage would not serve any purpose.

8. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 12.12.2023, is made absolute. He shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Petitioner shall appear on each & every date of hearing and to fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).

10. The above observations may not be construed as an expression of opinion on the merits of the case.

11. It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.

12. Pending application(s), if any, shall also stand disposed off.

06.03.2024
vishnu

[MAHABIR SINGH SINDHU]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No