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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-64709 of 2023(O&M)

Date of decision:-15.03.2024

RAJESH TIBREWAL

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Rajesh Bhatheja, Advocate
for the petitioner.
Mr. Vishal Malik, DAG, Haryana.

SANJIV BERRY, J. (ORAL)

CRM-11342-2024

1. The instant application is for placing on record Zimni orders
passed by learned trial Court as Annexure P-5.

2. Heard.

3. The application is allowed, zimni orders passed by the learned
trial Court are placed on record as Annexure P-5.

Main case.

1. Learned counsel for the State has filed reply by way of affidavit
dated 07.02.2024 of Assistant Superintendent of Police, Ambala and Custody
certificate dated 14.03.2024, the same are taken on record. Copies thereof
have been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
7	06.01.2022	406, 420, 506, 465, 467, 468, 471, 120-B	Ambala City, District Ambala

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. He submits that it is a dispute of civil nature pertaining to business transactions, the petitioner has not committed any fraud and even the statement of account reflects that part payment had been made. He submits that petitioner is in custody since 09.10.2022, challan has already been presented in Court, as such he prays for grant of concession of bail to the petitioner.

4. *Per contra*, learned counsel for State has opposed the bail application by arguing that the petitioner has caused loss to the complainant by not paying the amount due to the business transactions. He however, admitted that challan has been presented in Court and out of 22 witnesses cited by the prosecution none of them have been examined till date.

5. After considering the rival contentions and going through the record, it transpires that petitioner is in custody 09.10.2022, challan has been presented in Court and out of 22 witnesses cited by the prosecution none of them have been examined till date. The conclusion of trial will take sufficient long time to ascertain criminal liability, if any, of the petitioner in the case triable by the Court of Magistrate. In these circumstances, no purpose would be served by keeping petitioner behind bars any longer.

6. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.
7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)

JUDGE

15.03.2024

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No