

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

205

2024:PHHC:057095
CRM-M-65210-2023 (O&M)
Date of decision: April 26th, 2024

Rupesh
.....Petitioner

Versus

State of Haryana
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Archit Kaushik
and Mr. Bramhansh Bhardwaj, Advocates
for the petitioner.

Mr. Rajesh Gaur, Additional Advocate General, Haryana.

Ms. Rajni Bala Rohilla, Advocate
for Mr. Shokeen Singh, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.273 dated 13.06.2022 under Sections 406, 420, 421, 422, 424, 34, 120-B of the IPC registered at Police Station Mehem, District Rohtak.

2. Learned counsel for the petitioner, *inter alia*, contends that in a case of magisterial trial, the petitioner has been in custody since 16.06.2023. It has been further submitted that challan stands presented and even charges framed, however, the possibility of the trial concluding in the near future is not likely on account of the fact that out of 226 witnesses cited by the prosecution, only one has been examined till date. Learned counsel has further submitted that even otherwise, the petitioner is not the prime accused in the instant case; as per allegations levelled in the FIR, it was his father, who allegedly duped the villagers of their money and thereafter, fled away after

locking his house. In support, learned counsel has drawn the attention of this Court to the FIR, which has been annexed as Annexure P-2. Learned counsel has further asserted that it is also a matter of record that not even a single penny was ever deposited in the bank account of the petitioner nor is it the allegation of the complainant that any amount in cash was ever handed over to him.

3. Learned State counsel, on the other hand, assisted by learned counsel for the complainant while opposing the prayer and submissions made by the counsel opposite, has not disputed that the father of the petitioner, who is in custody, is the prime accused in the case in hand. It has been submitted that the petitioner's father is a money lender and had lured and duped many innocent villagers of their hard earned money and thereafter, fled the village along with his family, as a result of which all the members of his family were declared proclaimed offenders. Learned State counsel, on instructions from S.I. Navender Singh, has submitted that petitioner was declared a proclaimed offender on 29.09.2022 and thereafter, had surrendered on 16.06.2023. The stage of the trial has not been disputed by the learned State counsel, on instructions. It has also not been disputed by the learned State counsel, on instructions, that other than the present case, the petitioner is not involved in any other criminal case.

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

5. As not disputed, no specific allegation has been levelled against the petitioner of either having lured or duped the complainant of the money, which was allegedly given to the father of the petitioner.

The possibility of the trial concluding in the near future seems remote as

225 witnesses are yet to be examined. In the circumstances, further incarceration of the petitioner would serve no useful purpose.

6. Accordingly, 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.

April 26th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No