

CRM No. M-65316-2023

2024:PHHC:001574

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(202)

CRM No. M-65316-2023

Date of Decision : 09.01.2024

Amir

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Ashwani Nagra, Advocate for the petitioner.

Mr. Saurabh Mohunta, Deputy Advocate General, Haryana.

Harsimran Singh Sethi, J. (Oral)

1. Custody certificate of the petitioner has been produced in Court today by learned State counsel. The same is taken on record.

2. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 273, dated 16.06.2022, registered under Sections 406, 420, 506, 120-B IPC at Police Station Kunjpura, District Karnal.

3. Learned counsel for the petitioner argues that the allegations alleged against the petitioner are totally false and frivolous and are yet to be proved during the trial. Learned counsel for the petitioner submits that main allegations are against co-accused, Gulfam @ Gulfam Rao, who has already been granted the concession of regular bail by the Co-ordinate Bench of this Court while passing order in CRM-M No. 13536 of 2023 and further, another co-accused, namely, Saleem has also been granted the concession of regular bail by the trial Court on 07.12.2023, hence, keeping

in view the facts and circumstances of the present case as out of 15 cited witnesses only two have been examined so far, the trial is likely to take some time before it concludes, petitioner be granted the concession of regular bail.

4. Notice of motion.

5. Mr. Saurabh Mohunta, learned Deputy Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

6. Learned State counsel submits that serious allegations have been alleged against the petitioner of alluring the complainant into buying the product, which never existed and the complainant has been defrauded to the tune of Rs. 22 lacs, hence, the prayer of the petitioner for the grant of regular bail may kindly be declined. Learned State counsel concedes the factum that the other co-accused, the details of whom have been given herein-before, have already been granted the concession of regular bail and out of 15 cited witnesses, only two have been examined so far.

7. I have heard learned counsel for the parties and have gone through the record with their able assistance.

8. The allegations alleged against the petitioner are yet to be proved during the trial. As of now, the question is whether or not the petitioner should be granted the concession of regular bail. Nothing has come on record that there is any other case pending against the petitioner. Further, the fact that co-accused against whom the similar allegations have been alleged, have already been granted the concession of regular bail has gone un rebutted.

9. Not only this, as per the status of the trial out of 15 cited

witnesses only two have been examined so far, which fact shows that the trial is likely to take some time before it concludes and that no useful purpose will be solved keeping the petitioner behind the bars during the entire period of trial, especially, when learned counsel for the petitioner has undertaken before this Court that the petitioner will not influence the trial in any manner and will maintain good conduct, if he is granted bail. In case of default of the undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

10. The petitioner is directed to be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

11. However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

January 09th, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No