

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

230 CRM-M-61332 of 2024 (O&M)
Date of Decision:11.12.2024

Madan @ Lucky

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Shubham Dogra, Advocate,
for the petitioner.

Mr. Abhinash Jain, DAG, Haryana.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.518 dated 20.10.2022, under Section 420, 467, 468, 471, 506, 120-B of IPC, registered at P.S. Chandimandir, Panchkula.
2. Learned counsel for the petitioner is asking for the relief (supra) submitted that the petitioner has suffered incarceration more than 1 year and 1 month as on today, and all the offences are triable by the Court of Judicial Magistrate Ist Class. The main score of his arguments is base of the incarceration suffered by the present petitioner and the stage of trial, wherein no prosecution witness has been examined so far.
3. The allegations against the petitioner are that he duped the complainant for an amount of Rs.9,00,000/- on the pretext of providing

government job to both sons of the complainant, whereas, he neither returned the amount, nor got appointed the sons of the complainant in any government job

4. Learned State counsel filed the custody certificate qua the petitioner today in Court with regard to the period already undergone by him in jail, as issued by the Deputy Superintendent, Model Jail, Chandigarh. He has further submitted that the petitioner is a habitual offender and he is facing trial in four other cases. He also informed this Court that in the said case charges were framed on dated 23.10.2023, and out of total 12 prosecution witnesses, none has examined so far.

5. This Court has considered the submissions made by learned counsel appearing on behalf of the parties concerned and perused the entire record.

6. Be that as it may, considering the fact that all the offences under which the petitioner is facing trial, are triable by the Court of Judicial Magistrate Ist Class, the petitioner has suffered incarceration about 1 year and 1 month and 15 days as on today, and further the trial is yet to begin and conclusion of trial would take considerable long time. Though the petitioner is stated to be involved in five other cases, but in one case he has earned acquittal. However, considering the days of incarceration, nature of allegations, this Court is of the considered view that pendency of other cases would not disentitle the petitioner for seeking regular bail in the instant case, this Court deems it appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances

of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

7. Pending application(s), if any, also stand(s) disposed of.

(KULDEEP TIWARI)
JUDGE

December 11, 2024
dinesh

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No