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

**CRM-M-920-2025 (O&M)
Date of decision : 17.02.2025**

Rakesh Sharma

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Pawan Kumar Hooda, Advocate,
for the petitioner.

Mr. Neeraj Sheoran, DAG, Haryana.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short, 'the BNSS'*), for grant of bail pending trial to the petitioner in FIR No.0442 dated 21.07.2024, under Sections 120-B, 406, 420, 467, 468 and 471 of the Indian Penal Code, 1860 (*for short, 'the IPC'*) (*Section 120-B IPC was deleted later on*), registered at Police Station Sector 10, District Gurugram.

2. Allegations are that petitioner in connivance with co-accused, cheated complainant to the tune of Rs.21,60,000/- on pretext of selling land, but he was not the owner of same.

3. Contends that the petitioner is in custody since 02.09.2024; after investigation challan was presented on 28.10.2024 and charges were framed on 05.11.2024, but out of total 23 prosecution



witnesses, none has been examined till date. Also contends that regarding the transaction in dispute, civil suit is already pending between the parties.

4. Learned State counsel, on instructions, duly acknowledged the above factual position but he opposed the prayer on the ground that allegations are very serious.

5. Heard both sides and perused the paper-book.

6. It transpires that civil suit is already pending regarding the alleged sale of property and moreover, petitioner is in custody since 02.09.2024; challan was presented on 28.10.2024 and charges have already been framed on 05.11.2024, but out of total 23 prosecution witnesses, none has been examined so far; therefore, conclusion of trial may take sufficient long time. It is also not the objection of State that in case, petitioner is released on bail, he shall influence the witnesses or hamper the course of trial, in any manner; thus, further incarceration of the petitioner would not serve any purpose.

7. Consequently, present petition is allowed; petitioner shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. 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).

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



10. It is clarified that in case there is recurrence or 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.

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

17.02.2025
d.gulati

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No