



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

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CRM-M-52700-2024

Date of decision: January 29th, 2025

Deepak

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sachin Bhardwaj and Mr. Deepak Ahlawat, Advocates
for Mr. Rohit Mittal, Advocate
for the petitioner.

Mr. Rajat Gautam, Additional Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail in FIR No.44 dated 25.01.2024 under Sections 420, 467, 468, 471, 120-B and 201 of the IPC registered at Police Station City Narnaul, District Mahendargarh.

2. Learned counsel for the petitioner contends that in a magisterial trial, the petitioner has been in custody since 16.03.2024 and the trial has come to a virtual standstill after an application under Section 319 of the Cr.P.C. was moved for summoning some persons as co-accused. It has been further contended by the learned counsel that since the entire case of the prosecution hinges on documentary evidence, which is already part of the challan, there can be no risk of the petitioner tampering with evidence. A prayer had, therefore, been made to extend the concession of bail to the petitioner.

3. In addition, it has been submitted that a civil dispute between the parties has been twisted and given a criminal complexion; false allegations have been levelled against the petitioner of having lured the complainant into parting with ₹25 lakh on the pretext of providing him with a Government Job.

4. Learned State counsel while opposing the prayer and submissions made by the counsel opposite has not disputed the custody period of the petitioner nor has it been disputed that the investigation in the present case is complete and even charges stand framed. Learned State counsel, on instructions, has submitted that the trial has not been able to proceed on account of an application moved under Section 319 of the Cr.P.C. by the prosecution, which is pending adjudication. However, it has been contended by the learned State counsel that there is enough documentary evidence collected in the shape of some text messages from which it is discernible that the petitioner had duped the complainant of a huge amount of money on the pretext of providing him a Government job at Municipal Corporation, Delhi.

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

6. The trial is unlikely to conclude in the near future as none of the 17 prosecution witnesses have been examined till date after the charges were framed on 11.09.2024. An application under Section 319 of the Cr.P.C. is also pending adjudication before the trial Court, wherein a prayer has been made for summoning some more persons as additional accused. The offences for which the petitioner has been charged are triable by Magistrate.

7. In the given facts and circumstances, the possibility of the trial concluding in the near future seems unlikely. 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.

8. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

January 29th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No