

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

CRM-M-10176-2015

Date of decision : 06.05.2015

Kuldeep Kumar

..... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Vivek Goel, Advocate for petitioner.

Mr. Neeraj Yadav, AAG, Punjab.

DARSHAN SINGH, J. (Oral)

This petition has been filed by petitioner-accused Kuldeep Kumar for grant of regular bail in case FIR No.61 dated 13.05.2013 under Sections 420, 465, 467, 468, 471, 120-B of the Indian Penal Code, 1860, Police Station Phagwara City, Distt. Kapurthala.

As per the prosecution allegations, one Ram Parsad Jaiswal, the Proprietor of M/s Vikas Enterprises has procured a loan of Rs.89.50 lakh on 15.03.2012 on the basis of the forged documents. As per the status report filed by the respondent-State of Punjab, the allegations against present petitioner Kuldeep Kumar son of Darshan Lal are that he, in connivance with other accused, has prepared the forged documents.

Learned counsel for the petitioner contended that the petitioner is not a beneficiary of loan, neither he is signatory to any document, nor he is guarantor. He is in custody for the last six months. The concession of bail has been granted to similarly situated accused Janak Nandan Sharan, Rakesh Kumar, Anil Goel and Raj Gill by this Court.

Learned State counsel has opposed the plea raised by learned counsel for the petitioner on the ground that the complainant bank has been defrauded to the tune of Rs.89.50 lakh, so, the petitioner does not deserve the concession of bail.

I have duly considered the aforesaid contentions.

There is no denial to the fact that present petitioner is not the beneficiary of the aforesaid loan. He is not signatory to any loan document. The allegations against him are that on the basis of disclosure statement made by co-accused Raj Gill, it was found that he was party to prepare the forged documents. It is not disputed that the co-accused, whose names have been mentioned above, have been granted the concession of bail, against them also, there are similar allegations. The present petitioner is in custody since 03.11.2014. The case is triable by the Judicial Magistrate First Class. The conclusion of the trial will certainly take time. So, there is no justification to further detain the petitioner in jail. Thus, the present petition is allowed. Petitioner Kuldeep Kumar is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of learned trial Court.

06.05.2015*sunil yadav***(DARSHAN SINGH)
JUDGE**