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

**CRM-M No.20438 of 2015
Date of Decision: 30.06.2015**

**TIRATH PAL AND ANR
Vs
STATE OF HARYANA**

**.....Petitioners
.....Respondent**

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sumeet Goel, Advocate
for the petitioners.

Mr. Arun Luthra, A.A.G., Haryana.

1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

RAJ MOHAN SINGH, J.(Oral)

Petitioners seek grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.113 dated 13.09.2013, under Sections 420, 467, 468, 471, 120-B IPC, P.S. Kalayat, District Kaithal.

Petitioners sought loan from HDFC Bank. Loan was advanced against mortgage of their land. One Arun @ Billu did the entire documentation and also charged his remuneration for doing the needful. Loan of Rs.19 lacs was advanced to the petitioners.

Learned counsel for the petitioners states that petitioners have sufficient means to repay loan and in fact instalments are being paid regularly without there being any default.

Allegations are that in addition to the land offered by

petitioners, land of the complainant was also included in the mortgage deed without any consent of the complainant.

Learned counsel for the petitioners further states that petitioners are illiterate persons. Petitioner No.1 is aged about 82 years and is also ailing, so as petitioner No.2. Arun @ Billu (co-accused) has already been granted bail by the learned Sessions Court vide order dated 06.06.2015.

Learned State counsel however opposes the prayer on the ground that inclusion of land of complainant is the handiwork of petitioners themselves.

I have considered the submissions. Since the allegations relate to documentary evidence. The offences are triable by the Magistrate. Challan stands presented. Petitioner are in custody since 17.03.2015.

Keeping in view the aforesaid, petitioners are ordered to be released on regular bail, subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of Chief Judicial Magistrate, Kaithal.

Accordingly, this petition is allowed.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

June 30, 2015.

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**(RAJ MOHAN SINGH)
JUDGE**