

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-44103-2014

Date of decision : 12.01.2015

Ishwar Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.N.S.Shekhawat, Advocate
for the petitioner.

REKHA MITTAL, J.

The petitioner prays for grant of regular bail in FIR No.95 dated 16.03.2011 registered in Police Station Palam Vihar, Gurgaon for offence punishable under Sections 420, 467, 468, 471, 120-B of the Indian Penal Code (in short 'IPC').

Counsel for the petitioner contends that the petitioner is not a beneficiary under the alleged forged agreement to sell in favour of one Vinod Kumar. The petitioner is in custody since 02.10.2014 and the offence for which he has been booked is triable by the Court of Magistrate. It is argued with vehemence that the petitioner is residing in Street No.5, Sheetla Colony, Gurgaon in different rented accommodations for the past nine years. The petitioner never received any intimation in regard to registration of case nor received any process issued by the Court, therefore, he was wrongly declared as a proclaimed offender. Had it been known to the petitioner that a criminal case has been registered against him, he would have certainly filed

an application for bail in anticipation of arrest in place of incurring the risk of being declared as a proclaimed offender and thereafter suffering custody. The last submission made by counsel is that the petitioner is ready to face proceedings in accordance with law and comply with the conditions which may be imposed by this Court.

Notice of motion.

Ms.Neeal Kashyap, DAG, Haryana accepts notice on behalf of the State of Haryana. He has opposed the prayer for bail with the submission that as the petitioner was declared as proclaimed offender, he may misuse concession of bail and prolong decision of the criminal proceedings.

I have heard counsel for the parties and perused the records.

There is no counter to the averments in the petition that the petitioner has been residing in Street No.5, Sheetla Colony, Gurgaon for the last about nine years. It is not the allegation that the petitioner does not have a family or a known place of stay and therefore, likely to disappear in case released on bail. All the offences for which this case has been registered are triable by the Judicial Magistrate. The petitioner has already suffered custody for a period of more than three months.

Without meaning to comment on merits of the controversy, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds to the satisfaction of the trial Court. However, the trial Court shall ensure that the petitioner is released on furnishing adequate security, so that he does not misuse the concession of bail. The petitioner shall remain bound by the following conditions:-

- (i) he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer; and
- (ii) he shall not leave India without the previous permission of the Court.

(REKHA MITTAL)
JUDGE

January 12, 2015.
Davinder Kumar