

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

CRM-M-26143 of 2017
Date of decision: 2.8.2017

Amit Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Sanjeev Duggal, Advocate
for the petitioner.

Mr.K.S. Aulakh, DAG, Punjab.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner Amit Kumar – an accused in FIR No.118 dated 26.5.2017, under Sections 420, 467, 468 and 471 IPC, registered with Police Station City Rajpura, District Patiala.

Briefly stated, the prosecution story is that FIR in this case was recorded on the basis of statement of complainant Harwinder Singh son of Balbir Singh, resident of village Uppalheri, Police Station Sadar Rajpura, District Patiala, a taxi driver using his Swift Dzire car bearing registration No.PB-01-A-6266 as a taxi and holding a national permit.

According to complainant, he deposits the tax of Punjab State and as and

when takes the taxi to some other State, the tax of the said State is deposited which can be done online anywhere; that he had observed a kiosk near Simran Dhaba bye-pass Rajpura having a board that tax for Haryana State could be deposited there; that on 22.5.2017 he had gone to that kiosk to deposit tax where three clean shaven persons were sitting with computer and printer, who disclosed their names as Gajinder Singh son of Bhoop Singh, Krishan son of Pappu and Amit son of Tek Chand. They had charged from him Rs.100/- as tax for one day and Rs.20/- as depositing charge, issuing a receipt to him; that he had gone to Delhi to bring the passenger with said receipt and on his return journey from Delhi to Punjab on 23.5.2017 when his car was stopped at Ambala for the purpose of checking, the receipt was found to be fake. Therefore, RTA impounded the vehicle. The accused were arrested in this case. They had moved an application for regular bail but the same was declined by Additional Sessions Judge, Patiala vide order dated 14.6.2017, as such, they have approached this Court with same request.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have given a thoughtful consideration to the rival contentions besides going through the record.

Although there are allegations of the petitioner indulging in forging and fabrication of the official record for the purpose of cheating, however, at the same time it has to be kept in mind that on only a solitary instance involving a sum of ₹100/- has come out to be there. The accused was arrested in this case on 27.05.2017 and presently he is in judicial

custody. It is stated that challan has been filed in the Court, but the proceedings are at a preliminary stage inasmuch as charge is yet to be framed.

Conclusion of trial will take long time and his guilt shall be established during the trial. Hence no useful purpose will be served by keeping him behind the bars any more. Therefore, in view of the abovesaid circumstances, this petition is accepted. Petitioner-Amit Kumar is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/CJM Patiala.

The trial Court / CJM Patiala may impose any terms and conditions while accepting the bonds to ensure that the accused does not abscond and does not tamper with prosecution evidence. The petitioner-accused is also directed to surrender his passport if he has got one otherwise to furnish affidavit in that regard.

In that way, the petition is allowed.

2.8.2017
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No