

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

CRM-M No. 30193 of 2017

DATE OF DECISION :- December 12, 2017

Hassan Mohammad

...Petitioner

Versus

State of Haryana

...Respondent

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

Present:- Mr. Johan Kumar, Advocate for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana

This petition for regular bail has been filed by Hassan Mohammad, an accused in F.I.R. No. 06 dated 19.01.2015 under Sections 420, 406, 467, 471, 506, 120B of the Indian Penal Code registered with Police Station Bahin, District Palwal.

Briefly stated the facts of the case as per prosecution story are that complainant Bhupender Singh, Branch Manager of Sarva Haryana Gramin Bank village Kondal had submitted a written complaint addressed to SHO Bahin, District Palwal submitting therein that eight persons had raised up loan from Sarav Haryana Gramin Bank for purchase of tractors and for preparation of Kisan Credit Cards. However, a fraud was committed with the bank, details of which are mentioned in the F.I.R. It is alleged that eight accused persons in collusion with owner of Hindustan Motors namely Hassan Mohammad son of Mauj Khan, the present petitioner besides one

Rafiq and Tazam raised loan with an intention to cheat the bank. The loan amount was not returned. Later on the bank came to know that those loanees has submitted fake certificates for purchase of tractors and credit cards. They have not only committed fraud in connivance with each other but have forged valuable documents like Registration Certificate. After registration of the F.I.R. later on the case was investigated.

Petitioner-accused Hassan Mohammad was arrested in this case on 13.6.2017. Presently he is in judicial custody. The trial is going on before JMJC Hathin.

The petitioner had moved an application for grant of regular bail but was unsuccessful in the Courts below as such he has approached this Court praying for grant of similar relief. Notice of the application was given to the State.

Learned State counsel has filed the custody certificate which goes to show that petitioner is in custody from the date of his arrest till date, which comes out to period of about 6 months. He is shown to be involved in another case bearing F.I.R. No. 21 dated 14.9.2016 for offences under Sections 420, 406, 34 of the Indian Penal Code registered with Police Station Hathin, Palwal. As stated by counsel for the petitioner, the petitioner is on bail in that case.

I have heard learned counsel for the petitioner, learned State counsel besides going through the record.

The trial is likely to take some time. One of the co-accused namely Assh Mohammad has been granted bail by a coordinate Bench of this Court and copy of that order has been placed on file.

I find that it would be in fitness of things if the present petition is allowed. The petitioner is ordered to be released on bail on furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Palwal subject to the following conditions : -

- (i) He shall appear in the Court on each and every date of hearing.
- (ii) He shall not give any threat or intimidation to the prosecution witnesses.
- (iii) He shall not leave India without prior permission of the Court.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

(H.S. MADAAN)
JUDGE

December 12, 2017

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No