

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

CRM-M No.32876 of 2017

Date of Decision : 10.10.2017

Kaptan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. C.B. Goel, Advocate and
Mr. Yogesh Goel, Advocate
for the petitioner.

Mr. Vikas Malik, Deputy Advocate General, Haryana
for the respondent-State.

Mr. Rahul Jaswal, Advocate
for the complainant.

SUDIP AHLUWALIA, J. (ORAL)

The instant petition has been filed under Section 438 of the Code of Criminal Procedure seeking anticipatory bail on behalf of the petitioner in case FIR No.96 dated 13th July, 2017, registered under Sections 420/506 of the Indian Penal Code, (for short, 'the IPC') later on offence under Sections 467/468/471/34 of the IPC added, at Police Station Bapoli, District Panipat.

It is submitted *inter alia* on behalf of the petitioner that the main accused, namely Jai Singh, who happens to be the petitioner's father, has already been granted bail by a Co-ordinate Bench of this Court in CRM-M No.35637 of 2017.

Role of the present petitioner is limited to having signed as an attested witness to the impugned fraudulent document allegedly executed by the complainant in favour of the petitioner's father.

This Court is in full agreement with observation of the Co-ordinate Bench to the effect “*appreciating the submissions and it is admitted stance of the accused side that at this juncture there is no evidence to show that any forgery or impersonation has been committed and it is the own stand of the complainant that he has thumb marked two documents, culpability of which, if any, shall be determined during the trial*”.

As such clearly no useful purpose would be served by keeping the petitioner in detention since the culpability, if any, can only be determined after conclusion of the trial.

For the above-mentioned reasons, the instant petition is allowed and the present petitioner, namely Kaptan is directed to be released on anticipatory bail, to the satisfaction of the Ld. Trial Court/Area Magistrate concerned.

October 10, 2017

Dpr

**(SUDIP AHLUWALIA)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No