

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

**Crl. Misc. No.M-40746 of 2017 (O&M)
Date of Decision: November 03, 2017.**

Braham Singh

.....PETITIONER(s).

VERSUS

State of Haryana

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ashit Malik, Advocate
for the petitioner (s).

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 304 dated 25.07.2017 registered for the offences punishable under Sections 420, 467, 468, 471 read with Section 120-B of Indian Penal Code, at Police Station Indri, District Karnal.

Heard.

Notice of motion.

On asking of the court, Deepak Grewal, D.A.G., Haryana, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

Learned counsel for the petitioner submits that only allegations against the petitioner in FIR is that he had produced registered Will to Ratni

Devi before the Tehsildar during the mutation proceedings which had already been cancelled . The Will was not found to be forged and fabricated.

Learned State counsel also endorses the submission of learned counsel for the petitioner that the Will produced by the petitioner was a registered Will but that had been cancelled. However, he has not fabricated any Will.

Keeping in view the above facts and that the petitioner was arrested in this case on 03.10.2017, but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner Braham Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- a. The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- c. He shall not leave the country without the prior permission of the Court.

November 03, 2017

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**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No