

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

**Criminal Misc. No. M-23061 of 2018 (O&M)
Date of decision: 13.11.2018**

Ravi Kushwah

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. R.S. Rai, Sr. Advocate with
Mr. Padamkant Dwivedi, Advocate and
Ms. Rubina Virmani, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

Mr. Vivek Sharma, Advocate
for the complainant.

Daya Chaudhary, J. (Oral)

Criminal Misc. No.28660 of 2018

This application has been moved for placing on record
Annexures P-14 to P-20 (colly).

Application is allowed and Annexures P-14 to P-20 (colly) are
taken on record.

Criminal Misc. No. M-23061 of 2018

The present petition has been filed by petitioner-Ravi Kushwah
under Section 439 Cr.P.C. for grant of regular bail to him in case FIR
No.337 dated 20.09.2016 registered under Sections 420, 418, 422, 423,
463, 464, 467, 468, 471, 474 read with Section 120-B IPC at Police Station
Sector-40, District Gurugram during pendency of trial.

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Learned senior counsel for the petitioner submits that investigation of the case has been completed and custodial interrogation of the petitioner is not required. The petitioner is in custody since 02.02.2018. Learned senior counsel also submits that arbitration proceedings are pending and the complainant has availed the remedy available under law.

Learned State counsel on instructions from ASI Rakesh Kumar has not disputed the custody period as well as stage of trial as challan has been presented. Learned State counsel also submits that now the custodial interrogation of the petitioner is not required.

Learned counsel for the complainant has opposed the submissions made by learned senior counsel for the petitioner on the ground that a false document has been relied upon and it has been verified that such document is not available on the net and the same appears to be fabricated.

Heard arguments of learned senior counsel for the petitioner, learned State counsel as well as learned counsel for the complainant.

Admittedly, the challan has been presented and the petitioner is in custody since 02.02.2018. It is also not disputed that the arbitration proceedings are pending. The genuineness of the document is a matter of evidence, which shall be considered by the trial Court during trial.

Accordingly, in view of the submissions made by learned senior counsel for the petitioner and the facts that the petitioner is in custody since 02.02.2018; the custodial interrogation of the petitioner is not required as submitted by learned State counsel; the trial may take time to conclude; and no purpose would be served by keeping the petitioner in

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custody, the present petition is allowed and the petitioner (Ravi Kushwah) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

13.11.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No