

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

**CRM-M-25215-2018
Date of decision: 09.07.2018**

Jai Parkash

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Partap Singh, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

Mr. Yashveer Kharb, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition, filed under Section 439 Cr.P.C., is for grant of regular bail to the petitioner in case FIR No. 716 dated 07.11.2017, under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code, registered at Police Station Samalkha, District Panipat.

Learned counsel for the petitioner submits that as per the allegations in the FIR, the petitioner has prepared forged documents to show that his son Abhay is a juvenile as he along with the petitioner is facing criminal trial in case FIR No. 438 dated 21.06.2017, under Sections 302, 341, 379-B, 120-B, 201, 506 and 34 of the IPC registered at Police Station Samalkha. Learned counsel for the petitioner further submits that the deceased, in the said FIR, was the real nephew of the complainant in this case.

Learned counsel for the petitioner further submits that the

petitioner was granted bail in the said FIR No. 438 on 20.03.2018 and thereafter the petitioner was immediately arrested in the present FIR. Learned counsel for the petitioner has further submitted that the petitioner is involved in four other FIRs, registered in the same police station, which were registered on 12.06.2017, 13.06.2017, 20.06.2017 and 21.06.2017 and he has been granted regular bail in all the four other FIRs by the Court of Additional Sessions Judge, Panipat/SDJM, Samalkha.

Learned counsel for the petitioner further submitted that the challan has already been presented and the offences are triable by a Court of the Magistrate and it will take some time for the trial to conclude as the charges are yet to be framed.

Learned State counsel filed custody certificate in Court today and has disputed the factual position with regard to registration of above said four other FIRs and the fact that the petitioner is on bail in all the said FIRs. Learned State counsel, on instructions from ASI Ram Diya and assisted by learned counsel for the complainant, has, however, opposed the grant of regular bail to the petitioner on the ground that there is possibility that the petitioner may misuse the concession of regular bail being an accused in FIR No. 438.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is on bail in all the four other FIRs; he is in judicial custody since 23.03.2018; challan has already been presented and the charges are yet to be framed and being a magisterial trial, it will take time to conclude, the instant petition is allowed. The petitioner is ordered to

be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

July 09, 2018

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No