

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

CRM-M-37523-2018

Date of decision: December 01, 2018

Subhash Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Jatinderpal Singh, Advocate
for the petitioner.

Mr. C.L. Pawar, Senior DAG, Punjab.

RAJ SHEKHAR ATTRI, J.(ORAL)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to petitioner-Subhash Kumar in case FIR No.255 dated 28.10.2017 registered for the offences punishable under Sections 420, 465, 467, 468, 471, 120-B of Indian Penal Code, 1860 (for short, "IPC") at Police Station Kotwali Bathinda, District Bathinda.

Heard.

While replying upon the report of the Director, Forensic Science Laboratory, Punjab (Annexure R-3) wherein it has been concluded that Subhash Kumar has assigned as Prem Kumar. The opinion given by the Assistant Director (Documents) of the said laboratory is as under:-

"It has not been possible to express any definite opinion regarding the common authorship or otherwise on the red enclosed questioned signature stamped and marked Q1 to Q7 in comparison with red enclosed standard writings similarly stamped and marked S47 to S97. More suitable and sufficient specimen writings of Subhash Kumar as Prem Kumar in 'Gurmukhi' alongwith suitable and sufficient admitted writings of Subhash Kumar in 'Gurmukhi' already existing on some documents and near about the period of questioned signatures

containing similar letters, words and combinations as are available in the questioned signatures stamped and marked Q1 to Q7 are required for thorough scientific examination and definite opinion.”

Petitioner was arrested in this case on 30.05.2018. Although challan has been submitted, it will take some time to conclude the trial.

Keeping in view facts and circumstances of the case and the fact that conclusion of trial will take considerably long time, no useful purpose would be served by detaining the petitioner behind the bars, therefore, the present petition is allowed. Petitioner 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 the conditions, if any, so imposed by that learned court and 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 previous permission of the court.

(RAJ SHEKHAR ATTRI)
JUDGE

December 01, 2018
m. sharma

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No