

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

CRM-M No.9050 of 2018 (O&M)

Date of decision : 06.07.2018

Mudit Arora

.....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

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

Mr. Ashish Sanghi, DAG, Haryana.

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DAYA CHAUDHARY, J. (Oral)

CRM No.22475 of 2018

This application is for placing on record Annexures P/3 to P/5.

Application is allowed and Annexures P/3 to P/5 annexed with the application are taken on record.

CRM-M No.9050 of 2018

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner, who is one of the accused in case FIR No.284 dated 18.07.2014 under Sections 406, 420, 467, 468, 471 and 120-B IPC registered at Police Station – Sarai Khawaja, Distt. Faridabad (Annexure P-1).

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas he was not involved in the

alleged offence. The specific allegations are there against the main accused and the petitioner stood guarantor of two loan accounts, one availed by Brahma Shankar and another availed by Jagbir Saini. Both the said borrowers have been granted bail. Learned counsel also submits that case of the petitioner is at par with co-accused Charanjeet Singh who was found innocent by the investigating agency. Learned counsel further submits that petitioner is neither the vendor nor the vendee of the property in dispute but he is only a guarantor and he is also not the beneficiary. He has neither identified any wrong person while acting as witness nor he has received any amount. The main accused is already behind the bars. Learned counsel also submits that challan has been presented in the Court but no prosecution witness has been examined so far. The trial may take long time to conclude. The petitioner is in custody for the last more than nine months and no purpose would be served by keeping him in custody.

Learned State counsel on instructions from ASI Neeraj Kumar has not disputed the custody period, stage of the trial as well as the fact that co-accused Charanjit Singh has been found innocent. It is also not disputed that main accused who is loanee is behind the bars.

Keeping in view the custody period of the petitioner and also the fact that on similar footings, co-accused Charanjit Singh was found innocent by the investigating agency, challan has been presented in the Court, trial may take long time to conclude, the documents are there with the loanee or with the bank and the petitioner undertakes not to tamper with the evidence or influence the witnesses, no purpose would be served by

keeping the petitioner behind the bars.

Accordingly, this petition is allowed and petitioner namely Mudit Arora is directed to be released on regular bail to the satisfaction of the trial Court.

06.07.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No