

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

Sr. No.122

CRM-M-1716 of 2019

DECIDED ON: January 16, 2019

PARVESH

..PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Neeraj Sansaniwal, Advocate,
for the petitioner.

SUDHIR MITTAL, J. (ORAL)

Respondent No.2 has been granted regular bail by the trial court vide order dated 29.11.2018 Annexure P-7, which is assailed by way of the present petition. It has also been prayed that respondent No.3 be directed to take cognizance of the complaint dated 26.12.2018 (P-10) and take appropriate action thereupon.

Respondent No.2 is an accused in FIR No.168, dated 30.05.2018, registered at Police Station Uchana, District Jind, under Sections 147, 149, 307, 323, 325, 341, 506 IPC. According to the FIR, he was part of an unlawful assembly, which allegedly attacked the complainant. No specific role has been attributed to him.

Learned counsel for the petitioner submits that the trial court was in error in releasing the respondent No.2 on regular bail because (a) his uncle threatened the complainant and told him to withdraw the FIR and in this regard an FIR dated 23.09.2018, has been registered against him under Section 506 IPC; (b) before the trial Court, respondent No.2 has submitted fake documents regarding his age to claim that he was a juvenile. The said documents have

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been found to be fake in an earlier FIR registered against respondent No.2 and
(c) there are four other criminal cases pending against respondent No.2.

A perusal of the impugned order dated 29.11.2018 shows that the trial Court granted the regular bail to respondent No.2 because there was no specific allegation/role attributed to him in the incident in respect of which the aforementioned FIR has been registered. If, the uncle of the respondent No.2 threatened the complainant of this case, the liability thereof cannot be fastened upon respondent No.2. In any case, the said incident took place two months prior to the grant of regular bail by the trial Court. Pendency of other criminal cases may be a relevant consideration but it is not an absolute rule that bail is to be refused on account thereof. Respondent No.2 is on regular bail in those cases also and there is no allegation that he has misused the said concession. Submission of fake documents is not a ground to cancel the bail because the said documents have not been relied upon by the trial Court while passing the impugned order. In fact, the said documents have been rejected in this case and respondent No.2 has not been treated as a juvenile.

In view of above, the present petition has no merit and is accordingly dismissed.

However, attempt by respondent No.2 to submit fabricated and forged documents again and again cannot be condoned. Thus, respondent No.3 is directed to take into consideration the representation dated 26.12.2018 (P-10) and to conduct an inquiry thereupon. Suitable action be taken within four weeks of the date of receipt of certified copy of this order.

January 16, 2019

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No