

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

210

CRM-M- 21578-2018 O & M)
Date of Decision:13.09.2019

Ram Pal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.414 dated 24.10.2016, under Sections 406, 420, 467, 468 and 471 IPC, registered at Police Station Taraori, District Karnal.

The prosecution case is that on 24.10.2016 the complainant Jitender Manocha, Manager, Oriental Bank of Commerce, Taraori moved an application before the Superintendent of Police, Karnal with the allegations that petitioner - Ram Pal was the Proprietor of M/s Ram Pal Shishpal, New Grain Market, Taraori and Ravinder Kumar was the owner of the shop no.131, situated at New Grain Market, Taroari. It was further averred that Ram Pal had taken loan from the State Bank of India, Karnal and Ravinder Kumar stood as guarantor of M/s Ram Pal Shishpal. Said Ravinder Kumar deposited the original conveyance deed bearing no.1266/1 dated 19.08.2011 registered with Sub Registrar Nilokheri for the shop bearing no. 131 New Grain Market, Taraori by way of equitable mortgage. It was alleged that

both the accused with the malafide intention to cheat the bank deliberately and intentionally procured forged documents and used as genuine. They prepared a bogus conveyance deed/forged documents bearing no.6122 dated 28.02.2012 registered with the Sub Registrar Nilokheri of the shop bearing no. 131 New Grain Market Taraori and thereafter Ram Pal (petitioner) had applied for ODI Limit for Rs.25,00,000/- in the name of M/s Ram Pal Shishpal, New Grain Market, Taraori with the bank i.e. OBC. Thereafter, the bank had sanctioned the ODI limit of Rs.25,00,000/- to the aforesaid firm against the collateral security of the shop no.131 New Grain Market, Taraori. It was mentioned that both the accused persons had executed the necessary loan documents. Both the accused procured forged and fabricated the above said conveyance deed and used the same as genuine and cheated the bank.

Learned counsel for the petitioner contends that the petitioner was arrested on 27.06.2017 pursuant to the aforesaid FIR. According to him, on different occasions, interim regular bail was extended to the petitioner and thereafter upon completion of the period, the petitioner lastly surrender himself on 12.09.2019. He submits that the petitioner is in custody for a period of more than a year. He submits that the challan stands filed on 26.09.2017 and the trial is likely to consume sometime as out of 9 prosecution witnesses, 04 witnesses have been examined so far.

On the other hand, learned State counsel assisted by ASI Krishan Lal has opposed the bail application. He produced the custody certificate indicating the dates of interim bail granted to the petitioner. He opposes the concession of bail on the ground that the petitioner is involved in similar cases and he is in custody in those cases.

Considering the above custody of the petitioner as well as the fact that the offences are triable by Magistrate, further detention of the petitioner may not be justified. Therefore, without meaning any expression on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

13.09.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No