

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15749-2019 (O&M)

Date of decision:10.05.2019

Ali Mohammad

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Saleem Ahmed, Advocate, for the petitioner.

Mr. Munish Dev Sharma, AAG, Haryana.

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of bail pending trial in case FIR No.901 dated 23.11.2016 under Sections 120-B, 420, 467, 468, 471 of IPC, registered at Police Station, Sector-58, District Faridabad.

Learned counsel for the petitioner contends that the case against the petitioner is totally concocted. Otherwise also, the complainant has come into the picture qua the property concerned, much after the alleged fraudulent General Power of Attorneys were executed in the chain; where the petitioner is alleged to be involved. It is further submitted that there is not even any allegation that on the basis of any one of the alleged Power of Attorneys there has been any attempt to encroach upon the property mentioned in these Power of Attorneys. Still further, it is submitted that the alleged chain of Power of Attorneys is stated to have been started by one Ashok Kalia. However, the said Ashok Kalia has already been released on bail pending trial by the Court below. It is further submitted that even the person, who is alleged to have executed the General Power of Attorneys in favour of the petitioner has been found to be innocent. Therefore, there is no question of the petitioner being involved in any crime as alleged. In any

case, no loss has been caused to the complainant or alleged actual owner of the property. The petitioner is in custody since 25.10.2018. It is further submitted that there is no other case against the petitioner. Since the challan has already been filed, therefore, the petitioner is not required for any investigation purposes.

On the other hand, learned State counsel, being instructed by ASI Desh Raj, submits that in fact, the petitioner is the main conspirator of this chain of fabricating the Power of Attorneys. To substantiate this argument, learned counsel for the State has referred to the disclosure statement made by the co-accused Ashok Kalia. However, it is not disputed that except the disclosure statement of the co-accused, there is nothing on record to substantiate the fact that it is the petitioner, who is the main conspirator in this chain. It is also not disputed that there is no other case against the petitioner and that no loss has been caused to either the owner of the property or the subsequent purchaser. Still further, it is not disputed that the main accused Ashok Kalia has already been released on bail by the Court below.

In view of the above, but without expressing any opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

10.05.2019
Hemlata

Whether speaking/reasoned	Yes / No
Whether reportable	Yes / No