

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

**Criminal Misc. No. M-6400 of 2018
Date of decision: 11.02.2019**

Jage Ram

..Petitioner

Versus

State of Haryana and another

..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Gaurav Singla, Advocate for
Mr. Sanjiv Gupta, Advocate
for the petitioner.

Mr. R.S. Doon, AAG, Haryana
for respondent No.1 -State.

Mr. C.B. Goel, Advocate
for respondent No.2.

Daya Chaudhary, J. (Oral)

The present petition has been filed under Section 439(2) Cr.P.C. for cancellation of anticipatory bail granted to respondent No.2-Kaptan Singh by this Court vide order dated 10.10.2017 in case FIR No.96 dated 13.07.2017 registered under Sections 420, 506, 467, 468, 471 read with Section 120-B IPC at Police Station Bhapoli, District Panipat.

The relevant portion of order dated 10.10.2017 is reproduced as under: -

“ Role of the present petitioner is limited to having signed as an attested witness to the impugned fraudulent document allegedly executed by the complainant in favour of the petitioner's father.

This Court is in full agreement with observation of

.....

the Co-ordinate Bench to the effect “appreciating the submissions and it is admitted stance of the accused side that at this juncture there is no evidence to show that any forgery or impersonation has been committed and it is the own stand of the complainant that he has thumb marked two documents, culpability of which, if any, shall be determined during the trial”.

As such clearly no useful purpose would be served by keeping the petitioner in detention since the culpability, if any, can only be determined after conclusion of the trial.

For the above-mentioned reasons, the instant petition is allowed and the present petitioner, namely Kaptan is directed to be released on anticipatory bail, to the satisfaction of the Ld. Trial Court/Area Magistrate concerned.”

Learned State counsel submits that the investigation has been completed and challan has been presented. Now the case is fixed for framing of charges on 12.03.2019. Respondent No.2 never misused the concession of bail granted to him by this Court.

Learned counsel for respondent No.2 on the basis of reply filed in the Court also submits that respondent No.2 has never misused the concession of bail granted to him by this Court.

Moreover, order of bail dated 10.10.2017 as well as order of notice of motion in the present case for cancellation of bail have been

.....

passed by same Bench. The allegations are to be proved by way of evidence by the trial Court and accordingly, keeping in view the stage of trial, no ground is made out to cancel the bail granted to respondent No.2 and the petition being devoid of any merit is dismissed.

11.02.2019
neetu

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No