

CRM-M-15408-2021

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

CRM-M-15408-2021

Date of decision:19.04.2021

Suresh Mahjan

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Gursimran Singh Madaan, Advocate,
for the petitioner.

Mr. H.S.Sitta, AAG, Punjab.

Mr. Rakesh Sobti, Advocate,
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Written statement filed by the complainant in the Court today,
is taken on record.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.01 dated 02.01.2021, registered at Police Station Division No.1, Pathankot, under Sections 419, 420, 465, 468, 471 and 120-B IPC and Section 467 IPC (added later on).

Learned counsel for the petitioner contends that if the version contained in the FIR is taken to be correct, even then an offence under Section 193 IPC is made out, which is bailable. It is further submitted that there is non-compliance of the statutory provisions contained in Section

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340 Cr.P.C., which clearly provides an exhaustive procedure to be adopted in cases mentioned in Section 195 Cr.P.C. Moreover, on 15.10.2020, the petitioner filed a civil suit against the complainant and others for declaration, possession, compensation, permanent and mandatory injunction.

While opposing the aforesaid submissions, learned State counsel assisted by the learned counsel for the complainant, contends that the petitioner is a habitual offender and there are as many as six other cases pending or registered against him. A reliance has also been placed upon a mutual agreement dated 08.01.2016 executed between M/s Satya Sai Baba Road Lines Pvt. Ltd. through its Director Suresh Mahajan (petitioner herein) and Sulakhan Singh, and the FSL report, to contend that the signatures have been forged by the petitioner. It is also stated that prior to the filing of civil suit, there was a compromise effected between the petitioner and the complainant.

I have heard the learned counsel for the parties.

The petitioner has already filed a civil suit against the complainant and others. The dispute between the parties appears to be civil in nature, which has been given a cloak of criminal offence. The petitioner has been in custody since 02.03.2021. Trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his

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furnishing bail and surety bonds to the satisfaction of the learned trial
Court/Duty Magistrate.

19.04.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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