

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

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**CRM-M-18636-2021 (O&M)
Decided on : 21.09.2021**

Rajinder Kumar @ Raju

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Ms. Puneet Kaur Sekhon, Advocate
for the petitioner(s).

Ms. Gaganpreet Kaur, AAG, Haryana
assisted by ASI Narpal Singh.

MANJARI NEHRU KAUL, J. (Oral)

This is the second petition filed under Section 439 Cr.P.C. for grant of bail to the petitioner in case FIR No. 13, dated 23.01.2020 (Annexure P-1), under Sections 419, 420, 467, 468, 471, 120-B of IPC, registered at Police Station Sushant Lok, District Gurugram.

On a query put to the learned counsel for the petitioner *qua* the change in circumstances, if any, subsequent to the withdrawal of the previous petition on 12th November, 2020, she has apprised the Court that charges stand framed and all the co-accused including the main accused have been enlarged on bail.

Learned counsel for the petitioner submits that neither was the petitioner named nor any role attributed to him in the FIR in question, but he was nominated as an accused on the basis of disclosure statement of main accused - Vibha, who had since been extended the concession of bail by this Court vide order dated 20th August, 2021 (in CRM-M-28811-2021). She further submits that the evidentiary value of such disclosure statement is of a weak nature and since it is a case resting of documentary evidence, therefore, the petitioner be extended the concession of bail, as no useful purpose would be served in keeping him behind

bars.

Per contra, learned State counsel while opposing the prayer and submissions made by counsel opposite, on instructions from ASI Narpal Singh, has submitted that the petitioner helped the main accused - Vibha in preparing forged documents, with respect to the ownership of plot No. C-1907, Block C, Sushant Lok 1, Gurugram, which in turn was sold of to different buyers by the main accused - Vibha. Learned State counsel submits that the petitioner is a man of criminal antecedents, as he is involved in other cases of similar nature. Learned State counsel has not been able to controvert the factum of the co-accused also being involved in other criminal cases of similar nature. He has, however, on instructions conceded that the petitioner was nominated as an accused on the basis of disclosure statement of co-accused Vibha.

I have heard learned counsel for the parties and perused the material on record including the disclosure statements annexed with the petitioner as Annexures P-2 & P-3, respectively.

In the facts and circumstances of the case as enumerated hereinabove and the fact that it is a case resting on documentary evidence and the petitioner has been nominated as an accused on the basis of a disclosure statement, I deem it a fit case to extend the concession of regular bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

September 21, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*