

CRM-M-19287-2021 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(PROCEEDINGS THROUGH VIDEO CONFERENCING)

CRM-M-19287-2021 (O&M)

Date of Decision: 15th June, 2021

Anil Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. R.S. Rai, Senior Advocate with
Ms. Rubina Virmani, Advocate, for the petitioner.

Mr. Ankur Mittal, Addl. A.G., Haryana, for the State.

Mr. Kamal Chaudhary, Advocate, for the complainant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CRM-16898-2021

Annexure A-1 is taken on record, subject to all just exceptions.

Application stands disposed of.

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Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.0017, dated 05.02.2021, registered under Sections 120-B, 406, 420, 467, 468, 471 and 506 of the Indian Penal Code, at Police Station Nigdhu, District Karnal.

It is the contention of the learned senior counsel for the petitioner that the investigation of the case is complete and the challan stands presented on 09.06.2021. He asserts that the petitioner was arrested in this case on 18.03.2021. Referring to the order passed by the Additional

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Sessions Judge, Karnal, rejecting the application of the petitioner for bail, it is asserted that the stand at the relevant time of the prosecution was that the Indian Oil Corporation Limited's officials were involved in the commission of the fraud along with the petitioner and the records as well as the said aspect was being looked into by the Investigating Agency. His contention is that now on presentation of the challan, Section 120-B of IPC stands deleted and the same stands filed under Sections 406, 420, 467, 468, 201, 471 and 506 of IPC. He, therefore, asserts that involvement of the Indian Oil Corporation Limited's officials has been ruled out by the prosecution itself. The nature of the forgery, which was sought to be projected including the removal of the documents from the original record of the Indian Oil Corporation Limited, also has not been found to be correct. He contends that since the petitioner is in custody for last almost three months with the trial not likely to conclude in near future, this being a magisterial trial, petitioner be granted the concession of regular bail during the pendency of the trial.

Counsel for the State could not dispute the factual assertions which have been made by the learned senior counsel for the petitioner, however, he asserts that merely because the Indian Oil Corporation Limited's officials have not been found to be in connivance with the petitioner, it would not exonerate the petitioner from the allegations which have been found to be correct against him after investigation and challan presented in this regard. He, therefore, asserts that the petitioner be not granted the concession of regular bail at this stage.

Learned counsel for the complainant has vehemently opposed

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the prayer of the petitioner by asserting that had it not been for the petitioner who had himself done the forgery, it would not have taken place. It is the petitioner himself who has forged the signatures of the complainant and thus, has committed the offence which is not required to be taken lightly. Prayer has, thus, been made for rejection of the present petition.

Having considered the submissions of the counsel for the parties and keeping in view the fact that the primary reason while rejecting the application of the petitioner for grant of bail at the stage when the application was moved before the Additional Sessions Judge, Karnal, was alleged involvement of the Indian Oil Corporation Limited's officials, which has been found to be not correct with the other documents which were alleged to have been removed with the connivance of the officials, the said aspect also has not been substantiated with the deletion of Section 120-B of IPC from the charge-sheet and the petitioner being in custody for almost three month with the trial not likely to conclude in near future especially in the prevailing circumstance and it being a magisterial trial, this criminal miscellaneous petition is allowed. Petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Karnal.

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

15th June, 2021
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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