

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

CRM-M No.20407 of 2020

Date of Decision: 16.02.2021

Shailender Kumar

...Petitioner

Versus

State of Haryana

....Respondent

(Proceedings through Video Conferencing)

CORAM :- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present:- Mr. Shakti Singh, Advocate
for the petitioner.

Ms. Tanushree Gupta, D.A.G., Haryana.

Mr. Pawan Singh, Advocate
for the complainant.

Manjari Nehru Kaul, J. (Oral)

This is a first petition filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No.13 dated 23.01.2020 registered under Sections 419, 420, 467, 468, 471 and 120-B IPC at Police Station Sushant Lok, Gurugram, Haryana.

Learned counsel for the petitioner submits that the petitioner has been arrayed as an accused on the basis of the disclosure statement made by co-accused Lucky Uppal. He further submits that the perusal of FIR also reveals that there were no allegations levelled against the petitioner of cheating anyone much less the complainant in the case in hand. He further submits that similarly situated co-accused Amit Kumar has been extended the concession of regular bail and hence the petitioner who too has been in custody since 27.02.2020 be extended the concession of regular

bail.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner, on instructions from ASI Jitender, submits that the petitioner was an active participant in the crime, in question, in as much as all the documents pertaining to the property, in question, were fabricated at his behest and in his shop at Gurgaon.

Learned State counsel submits that in fact, the petitioner is a member of a gang and is involved in two other cases of similar nature.

Heard.

Prima facie, there are serious allegations against the petitioner and looking to his involvement in other cases of similar nature, he does not deserve the concession of regular bail.

It may be noticed that learned counsel is seeking concession of regular bail on the ground of being similarly situated as co-accused, namely, Amit Kumar who has since been granted regular bail, however, his case is easily distinguishable from that of co-accused Amit Kumar in as much as the latter was just as an attesting witness to the documents, which were allegedly fabricated at the behest of the present petitioner.

Dismissed.

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

February 16, 2021
gurpreet

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