

202 (2 cases)

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

(1) CRM-M No. 27414 of 2021 (O&M)
Date of Decision: 22.11.2021

Chaman Lal

..... Petitioner

Versus

State of Haryana

..... Respondent

AND

(2) CRM-M No. 28795 of 2021 (O&M)

Krishan Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Sunil Chadha, Senior Advocate, assisted by
Mr. Manish Mehta, Advocate, for the petitioner
(in CRM-M-27414-2021)

Mr. J.P. Sharma, Advocate, for the petitioner
(in CRM-M-28795-2021)

Mr. Pradeep Prakash Chahar, Deputy Advocate General, Haryana

Mr. M.S. Saini, Advocate for
Mr. Ram Kumar Saini, Advocate, for the complainant.

SURESHWAR THAKUR, J. (ORAL)

1. This order shall dispose of the present two petitions, seeking grant of pre-arrest bail to the petitioner(s), as the same arise from a common FIR No. 90 of 06.03.2019 (Annexure P-1), constituting therein offences, under Sections 409, 419, 420, 465, 467, 468, 471, 511 and 120-B of IPC, registered against the present bail applicant(s) - petitioner(s), at Police

2. The bail petitioners are employees of Municipal Committee, Mahendergarh. They are alleged, to, in collusion with other co-employees, and, with a *mens rea*, to cause wrongful loss to the State Exchequer, and, to wrongful gain to themselves, hence cause preparation of forged documents.

3. The forgery as attributed to them, of documents concerned, is comprised in theirs through procuring invoices from traders concerned, whereas, the Investigating Officer, makes a report to this Court, that the commodities reflected in the apposite invoices, were never purchased. Therefore, it is alleged that the accused, through allegedly, preparing the forged documents (*supra*), made an attempt to cause withdrawal of sums of money, respectively, comprised in ₹ 2,51,000/- & ₹ 5 Lakh, as became remitted to the Municipal Committee concerned, by the MP concerned.

4. It is candidly stated at the Bar by the learned State counsel, on instructions from the IO concerned, that the afore forged documents, did not sequel, the further penal acts of financial loss being caused to the treasury concerned. Moreover, he has also made a fair submission before this Court, after seeking instructions from the IO, that in case the bail applicants cooperate with the IO, inasmuch as they alongwith the IO, make their personal appearances, before the Executive Magistrate concerned, to give before him, their respective specimen signatures, as well as their admitted standard signatures / writings, hence for enabling the IO, to send them before handwriting expert for ensuring their comparison, with the disputed signatures / writings carried on the allegedly forged documents, thereupon, this Court may not order for their custodial interrogation.

5. The afore prayer made, appears to be just, and fair, and, is accepted by this Court.

6. Consequently, this Court is constrained to make absolute the order made by this Court on 16.07.2021 / 26.07.2021. However, the making absolute of the afore order shall be subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure. The Investigating Officer concerned is directed to forthwith ensure the furnishing before him of personal and surety bonds by the bail-applicants, in a sum of Rs. 50,000/- each.

7. The afore order is subject to a further condition, that the bail petitioners, shall within a week, accompany the IO before the Executive Magistrate concerned, and make before him their specimen / writings, and, besides provide before him, their admitted signatures / writings, hence to enable the IO, to thereafter send them alongwith the disputed writings / signatures, of the bail applicants on the relevant purportedly forged documents, to the FSL concerned, to enable the handwriting expert, to make an opinion with respect to their, *inter se*, compatibility or incompatibility. In case, the afore condition is not complied with, thereupon, it is open to IO, to thereafter, produce the bail applicant before the learned Magistrate concerned, for appropriate directions, *vis-a-vis*, their custody being made.

8. Disposed of.

9. Pending miscellaneous application(s), if any, stand(s) disposed of.

November 22, 2021

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**(SURESHWAR THAKUR)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>