

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.244

CRM-M-45975-2021

Date of decision: 22.11.2021

Permanand

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Ajay Singh Ghangas, Advocate,
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

* * *

DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.329 dated 13.11.2020, registered under Sections 420, 467, 468, 471 IPC (Sections 120-B, 201 and 472 IPC added later on) at Police Station Civil Line, District Bhiwani.

Briefly stated, the case of the prosecution is that 15 persons applied to the Secretary, Board of School Education, Haryana for change in their date of birth and other particulars; such requests were based on 15 judgments and decrees passed by a Civil Judge (Junior Division), Panipat; the said judgments and decrees were found to be suspicious; these judgments and decrees were then sent to the District and Sessions Judge, Panipat for enquiry; as per the District and Sessions Judge, Panipat, the said judgments and decrees were forged as the same were purportedly authored by Ms. Suyasha Jawa, who at the relevant time was not posted in Panipat; the examiner who had purportedly checked and signed the judgments was also found to have retired way back in the year 2015; investigations revealed that such forgery was not limited to 15 but 187 persons; co-accused Jaidev Singla and Nitesh were found to have forged the aforesaid documents and it was the petitioner, who on commission basis, couriered and got executed these forged documents in the office of Education Board, Haryana.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; the only evidence against the petitioner is an alleged disclosure statement of co-accused Saurav made by him in police custody which is inadmissible in evidence; there is no other criminal case pending against the petitioner; the petitioner is in custody since 07.04.2021; investigation in the case qua the petitioner is complete; the main allegations of forgery are against co-accused Jaidev Singla and Nitesh (since dead); the only allegation against the petitioner is that on receipt of commission from co-accused Jaidev Singla he used to take the forged documents to the office of the Education Board, Haryana to execute the changes made therein; no further recovery is required to be made from the petitioner, co-accused Govind, who had approached this Court through CRM-M-31235-2021 – Govind vs. State of Haryana has been granted regular bail by this Court and that the petitioner's trial in which till date no witness cited by the prosecution has been examined will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that he and his co-accused have forged judgments and decrees of a Court and that too for at least 187 persons.

In a magisterial trial, the petitioner is in custody since 07.04.2021; investigation qua the petitioner is complete and therefore, neither is the petitioner needed for the same nor can he influence it; the main allegation with regard to forging of judgments and decrees is against co-accused Jaidev Singla and Nitesh (since dead); there is no other criminal case pending against the petitioner; no further recovery is also required to be made from him; co-accused Govind, who had approached this Court through CRM-M-31235-2021 – Govind vs. State of Haryana has been granted regular bail by this Court and that the petitioner's trial in which 13 witnesses have been cited by the prosecution is yet to begin and therefore it is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Bhiwani, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

November 22, 2021
Jyoti 1

(DEEPAK SIBAL)
JUDGE

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