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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.47194 of 2021 (O&M)
Decided on: 16.11.2021

Neeraj @ Sonu

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Aakash Singla, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

Mr. Atul Pratap Dhankar, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.327 dated 07.06.2021, for offence punishable under Sections 420, 467, 468, 471, 120-B of the Indian Penal Code (in short 'IPC') registered at Police Station Rai, District Sonapat.

Counsel for the petitioner has argued that as per the allegations in the FIR, registered against Pawan Kumar, Parth @ Pratap, Manish and Amit Kumar, the complainant namely Rajesh Kumar, has stated that some land and petrol pump was purchased by his father, who died on 02.09.2020 in Delhi. It is further stated in the FIR that he received a phone call from the co-accused Pawan that his father has taken loan of Rs.68 lacs from him. Upon which, the complainant

demanded proof of loan and then Pawan and his brother Parth @ Pratap, have shown a full payment agreement and receipt, on which Manish and Amit are the witnesses. It is also stated in the FIR that this agreement to sell is a fake document as in the agreement there is a reference of Jamabandi pertaining to the year 2017-18 whereas the agreement in the receipts are dated 12.05.2018. Counsel for the petitioner has further submitted that during the investigation the name of the petitioner surfaced in the statement of the co-accused that he has helped Pawan and his brother Parth @ Pratap, in preparation of certain fake bills and receipts in favour of Pawan. It is also argued that the co-accused of the petitioner namely Parth @ Partap, in whose favour the agreement has been established, has already been released on interim anticipatory bail vide order dated 24.09.2021 passed in CRM No.30461 of 2021 filed in CRM-M No.35126 of 2021.

Counsel for the State assisted by counsel for the complainant has not disputed the factual position but opposed the prayer for bail. It is further submitted that even till date, Pawan has not been arrested so far and the investigation is not complete.

After hearing the counsel for the parties, without commenting anything on merits of the case, considering the fact that the petitioner is a first offender; he is not involved in any other case; the co-accused of the petitioner is already released on interim anticipatory bail; the petitioner was not named in the FIR; he is not a beneficiary of the agreement to sell and the allegations of forging the documents are yet to be proved while leading the evidence; the offences are triable by the Court of Magistrate and conclusion of the trial is likely to take some

time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

16.11.2021
yakub

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