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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-44316-2020

Date of Decision: 04.03.2021

Subhash

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. D.S. Matya, Advocate for the petitioner.

Ms. Dimple Jain, Asstt. A.G., Haryana.

AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition for grant of regular bail in FIR No. 218, dated 23rd April, 2013, under Sections 420, 467, 468, 471 and 120-B of IPC, registered at Police Station Manesar, District Gurugram.

The FIR was at the instance of Uman Devi alleging that forged documents were used for sale of property detailed therein. The petitioner was not named in the FIR. During investigation, it was found that he was property dealer involved in the transaction. The petitioner was declared Proclaimed Offender ('P.O.') on 4th November, 2016 and was arrested on 29th September, 2019.

Mr. D.S. Matya, learned counsel for the petitioner submits that petitioner is not specifically named in the FIR. He was not aware of the proceedings, resultantly he never appeared before the trial Court

and was declared P.O. He further submits that in order to establish his *bonafides*, the petitioner is ready to deposit cash security of ₹ 1.75 lakhs before the trial Court subject to outcome of the trial.

Ms. Dimple Jain, Assistant Advocate General, Haryana opposes the prayer for grant of bail. She submits that petitioner intentionally absented from the trial to delay the proceedings. The petitioner is involved in one more FIR.

The petitioner is not named in the FIR, albeit allegations are that he was property dealer in the transaction wherein forged documents were pressed into service for selling the property. The endeavour in the case of P.O. proceedings is to ensure the presence of the person before the trial Court as and when required so that trial is not delayed.

Considering the offer made by the petitioner, he is granted bail subject to deposit of cash security of ₹1.75 lakhs with the trial Court. The security amount shall be subject to outcome of the trial. During the pendency of trial, the amount shall be kept in an FDR in any nationalized bank. In case the petitioner fails to appear before the trial Court as and when called, the said amount shall be forfeited.

The petition is allowed.

However, it is clarified that nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

4th March, 2021

pankaj baweja

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|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |