

107

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.49356 of 2021 (O&M)

Decided on: 25.11.2021

Manish @ Bittu

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

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

Mr. Deepak Grewal, DAG, Haryana.

Mr. Atul Partap, 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 relied upon the order dated 16.11.2021 passed in CRM-M No.47194 of 2021. The operative part of the said order, reads as under:-

“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.”

For the sake of brevity, the facts are not reproduced again.

Counsel for the petitioner has argued that the allegations against the petitioner are that he is a signatory to the agreement to sell as a witness and during the investigation, the co-accused Parth @ Partap, who is brother of Pawan, in whose favour the agreement to sell, has made a disclosure statement that an amount of Rs.4.00 lacs was paid to prepare a forged document and attested the same as a witness. Counsel for the petitioner has also submitted that the petitioner is in custody for the last more than 03 months, the investigation is complete and challan qua the petitioner stands presented before the trial Court. It is further submitted that no such or similar FIR is pending against the petitioner except one FIR registered under Section 326 IPC relating to the year 2016.

Counsel for the State has not disputed the factual position

but opposed the prayer for bail. Counsel for the State has further submitted that the main accused Pawan is yet to be arrested who has forged the signatures of his father. It is also stated that the forged signatures of the father of the complainant were scanned and the laptop and printer which were used for the said purpose are yet to be recovered as Pawan has not been arrested so far.

Without commenting anything on merits of the case, considering the fact that one of the co-accused of the petitioner is already released on bail and another accused Parth @ Partap, who is real brother of the co-accused Pawan has also been granted the concession of interim bail; the petitioner is not a direct beneficiary of the forged agreement to sell; challan stands presented 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/Illaq 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

25.11.2021
yakub

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