

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(224)

CRM-M-9812-2022(O&M)
Date of Decision: 03.08.2022

Pardeep Kumar

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. Bipan Ghai, Sr. Advocate with
Mr. Nikhil Ghai, Advocate for the petitioner.

Mr. Kirpal Singh, A.A.G., Haryana.

Mr. S.K. Jindal, Advocate for the complainant.

RAJESH BHARDWAJ.J (Oral)

CRM-9273-2022

This is an application praying for correction of head note as well as prayer clause of the main petition, wherein sections 468, 509, 180 IPC have not been mentioned inadvertently.

In view of the averments made in the application, same is allowed. The head note as well as prayer clause of the main petition is corrected/amended by adding sections 468, 509, 180 IPC. Office is directed to do the needful.

Main Petition

The present petition has been filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case FIR No.177 dated 29.6.2021 under sections 498-A, 406, 377, 420, 323, 34 I.P.C (sections 464, 467, 471, 477-A, 120-B IPC were added later on) and sections 468, 509, 180 IPC added today registered at Police Station, Arya Nagar, Rohtak.

As per factual matrix, the FIR in question was lodged by the complainant, wherein it was alleged that she got married with the petitioner on 26.2.2020. Her husband was working as Assistant Manager in State Bank of India, Hisar Road Branch, Sirsa. Her parents gave sufficient dowry as per their capacity in her marriage, however, petitioner and her family members were not satisfied with same and thus they started harassing her on account of the same. She further alleged that her signatures were forged and money was transferred from her account and gold loan was also raised. On the basis of various allegations made, FIR was lodged.

The investigation commenced and petitioner was arrested on 27.10.2021. The petitioner approached learned Addl. Sessions Judge, Rohtak for grant of bail, however, after hearing the parties, the same was declined vide order dated 22.2.2022. Aggrieved by the same petitioner has approached this court for grant of bail.

Learned senior counsel for the petitioner vehemently contends that petitioner has been falsely implicated in the present case. He submits that basically the dispute is matrimonial in nature, however, the same has been given the colour of forgery. He submits that petitioner is working as Assistant Manager in the bank. Even if the matrimonial discord was there between husband and wife, the allegations pertaining to forgery are totally concocted. It is submitted that if the allegations made in the FIR are taken to be true, the amount of Rs.90,000/- allegedly transferred from the account of the complainant cannot be said to be intentional as the same may be the part of duty of the petitioner being Assistant Manager in the bank. It is further submitted that the amount of gold loan raised by the petitioner has

already been repaid and the loan account was closed after two months. Counsel submits that petitioner is working on a responsible position and he has no criminal antecedents. Even otherwise the investigation in this case stands completed and there cannot be any apprehension on the part of the petitioner for scuttling the same. Counsel submits that in the overall facts and circumstances petitioner deserves to be enlarged on bail.

Learned counsel for the complainant has however opposed the submissions made by learned senior counsel. He submits that petitioner in connivance with the co-accused has misused his official position and forged the signatures of the complainant wife and therefore his complicity in the offence is writ large. He further submits that gold articles are yet to be recovered.

On the other hand, learned State counsel has submitted that the complainant has made specific allegations pertaining to the harassment and forging her signatures against the petitioner. He submits that after completion of investigation challan has been presented. He also submits that there is nothing on record to show that petitioner has criminal antecedents.

I have heard learned counsel for the parties at length and have gone through the records carefully.

Admittedly, petitioner is behind bars since 27.10.2021. He is working as Assistant Manager in a bank. The dispute primarily appears to be matrimonial in nature. No doubt there are allegations pertaining to forging the signatures of the complainant, however, the investigation is already complete and the matter is now pending before the Trial Court.

This court would refrain itself from commenting on the merits of the case, as the allegations and counter allegations would be assessed only after evaluation of the complete evidence led by both the sides before the Trial Court. The trial would take sufficiently long time in its conclusion. In the overall facts and circumstances of the case this court finds that learned senior counsel for the petitioner has succeeded in making out a case for bail.

In the totality of facts and circumstances and without making any observation on merits, present petition is allowed. Petitioner be enlarged on bail on his furnishing bail/surety bonds subject to satisfaction of Trial Court/Duty Magistrate, concerned. Nothing stated herein shall be treated as an expression on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

03.08.2022

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No