

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CRM-M-14326-2022
Date of decision: 08.04.2022**

Ashok Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Sanjay Vashishth, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 73 dated 08.02.2022, registered under Sections 120-B, 420, 467, 468, 471 of the IPC (Sections 419, 201 of the IPC added later on) at Police Station Dabua, District Faridabad.

Learned counsel for the petitioner submits that the FIR was got registered at the instance of complainant Moolchand Tyagi with the allegations that he is an old man and by taking the advantage of his old age, the petitioner has fraudulently got registered the complainant's property in his own name by producing fake person before the Sub Registrar Office and by showing him as Moolchand with forged ID.

Learned counsel further submits that it has come during investigation that in fact the complainant was impersonated by Dassi Singh (who is already in judicial custody) and one Jagdish, who has now died and had manipulated and produced impersonator Dassi Singh as Moolchand Tyagi.

Learned counsel for the petitioner further submits that the co-accused, who was attesting witness, has been granted the concession of anticipatory bail.

Learned counsel further submits that in fact the petitioner has got registered FIR No. 99 dated 23.02.2022 under Sections 323, 34, 506 of the IPC and Section 3 of the SC/ST Act against the complainant and his nephew and another FIR No. 112 has also been registered against the complainant by one Dharamveer Tyagi and, therefore, after about six years of the alleged incident, the complainant has registered the present FIR against the petitioner.

Learned counsel further submits that the petitioner is in judicial custody for the last about two months; he is not involved in any other case; investigation qua him is complete and the offences are triable by the Court of a Magistrate.

Learned State counsel has filed the custody certificate and has not disputed the factual position. As per custody certificate, the petitioner is not involved in any other case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid facts and circumstances, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

08.04.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No