

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M No. 14819 of 2022
Date of Decision: 09.05.2022**

Kulwant Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. K.S. Dhaliwal, Advocate
for the petitioner.

Mr. Tanuj Sharma, Assistant Advocate General, Haryana

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, by filing the present petition cast under Section 439 Cr.P.C., seeks grant of regular bail in case FIR No. 09 of 08.01.2019, which was registered against him, at Police Station Dhand, District Kaithal, constituting therein offences under Sections 406, 420, 467, 468, 471, and 120-B of the IPC (Section 201 of the IPC added subsequently)
2. The bail applicant-petitioner is stated to be suffering judicial incarceration since 15.11.2021.
3. The petitioner in connivance with all other accused concerned, is alleged to forge revenue documents, and, procure a loan from the nationalized bank concerned. The revenue papers, as, became forged with the inter se connivance of all accused concerned, rather became verified by the IO concerned, to be owned and possessed by the victim-complainant. Therefore, obviously he was pained, as, in the event of the accused concerned, not redeeming the mortgage money, through theirs liquidating the borrowings to the bank concerned, thereupon, the estate of the victim-

complainant would become encumbered with the ill-consequence of it becoming sold in a public auction.

4. However, the above ill-consequence, even appears, to have become obviated, as, the learned counsel for the petitioner, places on record, a certificate issued by the Branch Manager, Central Bank of India, wherefrom whom, the loan became obtained by the accused concerned, and, therein communications occur, that the entire component of the borrowings, as, made by the accused, becoming liquidated to the bank. Therefore, the further consequence is that, at this stage, it is not deemed fit and appropriate to insist upon the bail petitioner to, as a pre-condition for the bail petitioner, being admitted to regular bail, his depositing some percentum of the borrowings, as, made by him from the nationalized bank, in the establishment of the learned trial Judge concerned, for enabling the deposit, to work as victim compensation, in case after a verdict of conviction, being pronounced by the learned trial Judge concerned in FIR (supra), his making a sentence a fine, to be released, as, compensation to the victim-aggrieved.

5. Moreover, since the investigations are complete in respect of the handwriting expert concerned, also making an apposite opinion, after his making comparison(s) of all specimen / admitted signatures of the concerned, with disputed writings and signatures, as, carried in the disputed document(s), thereupon, this Court does not deem it fit and appropriate to prolong the judicial incarceration of the bail petitioner, as, thereupons his personal liberty would become unnecessarily curtailed and fettered.

6. However, the learned State Counsel opposes the grant of bail to the bail applicant, on the ground that the bail applicant is a habitual offender.

7. The afore made submission is benumbed, upon this Court, making stringent conditions upon the bail applicant, inasmuch as his making an undertaking before the learned trial Court, that he shall not re-indulge in any criminal activity, whereupon, on breach thereof, the benefit of regular bail, as granted to him shall become *ipso facto* annulled, leaving liberty to the Arresting Officer, to forthwith arrest him, and, to thereafter, produce the bail applicant before the learned Magistrate concerned, for appropriate directions, *vis-a-vis*, an order of judicial custody being made, upon him.

8. Consequently, with condition (supra), the instant petition is allowed, and the bail applicant – petitioner is ordered to be released from judicial custody, on his furnishing personal and surety bonds in the sum of ₹ 50,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to his not tampering with prosecution evidence, and/or not influencing prosecution witnesses, and, also his appearing before the learned trial Court concerned, as and when he is required to be making his personal appearance unless validly exempted.

May 09, 2022

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**(SURESHWAR THAKUR)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>