

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

211

CRM-M-15302-2022

Date of decision: 06.12.2022

Satbir

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Ms. Vaishali Kamboj, Advocate
for the petitioner.

Mr. P.K. Aggarwal, DAG, Haryana.

SANDEEP MOUDGIL, J. (Oral)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case, FIR No. 684 dated 23.11.2021 registered, under Sections 172, 173, 174, 178, 186, 191, 205, 420, 467, 468 and 471 of the Indian Penal Code, 1860, at Police Station City Sonipat.

Learned counsel for the petitioner contends that the present petitioner stood surety for the main accused-Dashrath, who failed to appear before the Court, and proclamation proceedings were initiated on 17.10.2021 which was effected at his last known address. The accused-Dashrath constantly remained absent despite service and was ordered to be declared as proclaimed offender resulting into registration of FIR under Section 174-A of IPC. The allegations qua the main accused is preparation of false documents for securing bail for the main accused, who has absconded from the process of law on account of the conduct of the surety

Satbir, alongwith surety Rajinder, and identifier Pale Ram.

Learned State counsel has produced custody certificate which is taken on record qua the present accused-Satbir, according to which the petitioner has undergone imprisonment of 1 year 10 days and there is no other case, as mentioned in the custody certificate, against the petitioner.

Learned counsel for the petitioner has also contended that for the offence under Section 465 IPC, the conviction can be ordered up to 6 months which is triable by the Magistrate.

Learned State counsel contends that the offence under Section 471 is also there in the FIR and role attributed to the petitioner is serious, who, in connivance with the other accused, got bails by furnishing forged documents. He also submits that loan amount is to be recovered to the tune of Rs. 1.93 crore, which has been received and utilized by all the accused, in connivance with the other, including the present-petitioner.

Keeping in view the discussions made above, particularly in the light of the fact that after completion of investigation, charges have been framed and the trial is going on which is likely to take some time apart from the fact that the petitioner is already in custody for 1 year and 10 days, and in the instant case, question is limited to furnishing of forged documents, is hereby directed to be released on regular bail, subject to the satisfaction of trial Court, Sonipat, on his furnishing bail/surety bonds.

The petition stands allowed accordingly.

(SANDEEP MOUDGIL)
JUDGE

06.12.2022

Harish Kumar

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