

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

(218)

CRM-M-19877-2022

Date of decision: - 16.05.2022

Bhunesh

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Ajay Ghangas, Advocate,  
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

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VIKAS BAHL, J. (ORAL)

This is a first bail application under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.134 dated 08.03.2021, under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860, registered at Police Station Samalkha, District Panipat.

Learned counsel for the petitioner has submitted that in the present case, an affidavit, which is alleged to have been forged, had been prepared by accused Sanjay and the forged signatures of complainant Rajeev had also been affixed on the same by the said accused Sanjay and the said fact has been apparent from para 3 of the order dated 20.04.2022 passed by the Additional Sessions Judge, Panipat, granting bail to co-accused Maman Chhokar. It is further submitted that the role

attributed to the present petitioner was that he had allegedly produced the said affidavit before the police and on account of the said fact that the second anticipatory bail petition of the petitioner was dismissed along with cost of Rs.50,000/-. It is submitted that the petitioner had deposited the said costs with the Haryana State Legal Services Authority, Panchkula, vide cheque No.679133 dated 28.04.2022. It is further submitted that the petitioner has been in custody since 15.03.2022 and since the affidavit has already been recovered, thus, no purpose would be served by keeping the petitioner in further incarceration.

Learned State counsel has opposed the present petition for the grant of regular bail and has submitted that the petitioner is involved in one more case.

Learned counsel for the petitioner, in rebuttal, has relied upon a judgment of the Hon'ble Supreme Court in “**Maulana Mohd. Amir Rashadi Vs. State of U.P. and another**”, reported as 2012 (2) SCC 382 to contend that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other cases. The relevant portion of the said judgment is reproduced hereinbelow:-

*“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”*

This Court has heard learned counsel for the parties and has gone through the paper-book.

A perusal of para No.3 of the order dated 20.04.2022 (page 24 of the paper-book) passed by the Additional Sessions Judge, Panipat, granting bail to co-accused Maman Chhokar, reveals that as per the disclosure statement of co-accused Maman Chhokar, who was a stamp vendor, the alleged forged affidavit has been prepared and signed by accused Sanjay. The primary allegation against the petitioner is that he had produced the alleged forged affidavit before the police and it was on account of the said fact that his anticipatory bail was dismissed by this Court. The petitioner has been in custody since 15.03.2022 and the affidavit has already been recovered, thus, no useful purpose would be served in keeping the petitioner in further incarceration. The co-accused of the petitioner, namely, Maman Chhokar had already been granted the concession of regular bail by the Additional Sessions Judge, Panipat, vide order dated 20.04.2022.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

It is however made clear that in case the petitioner influences or threatens any witness, then it would be open to the State to move an application for cancellation of bail of the petitioner.

However, nothing stated above shall be construed as a final

expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

May 16, 2022  
naresh.k

( VIKAS BAHL )  
JUDGE

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|----------------------------|-----|
| Whether reasoned/speaking? | Yes |
| Whether reportable?        | No  |