

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

CRM-M-23745-2022

Date of Decision:-27.07.2022

Hari Kishan.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Deepender Singh, Advocate for the Petitioner.

Mr. Vikrant Pamboo, Deputy Advocate General, Haryana.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition is for the grant of regular bail under Section 439 Cr.PC in case FIR No.399 dated 03.12.2021 under Sections 419, 420, 467, 468, 471 IPC (later Section 120-B IPC added) registered at Police Station Faridabad Central, District Faridabad (Haryana).

The brief facts of the case are that the FIR came to be registered by the Reader to the Principal Magistrate, Juvenile Justice Board, Faridabad who stated that vide order dated 21.09.2021 the learned Principal Magistrate, Juvenile Justice Board had directed him to make a complaint regarding the fact that someone had impersonated M.S. Rathore son of Mr. Johri Lal before the Board by standing as a surety whereas the photograph affixed on the surety bonds is not of M.S. Rathore son of Johri Lal. The IO had submitted a verification report in this regard and thus, prayed that an

FIR be registered. During the course of investigation various documents were taken into possession from the file of the case. A photocopy of the Registration Certificate of a Car bearing No.HR-38R-1054 which was furnished by the surety was obtained and its real owner was found to be Mandor Singh. Thereafter the petitioner was arrested on 07.03.2022 and his specimen signatures were obtained. Co-accused Rishi Dev was also arrested who had furnished his fake Aadhaar Card while furnishing surety bonds. It was found during the investigation that the accused Hari Kishan has impersonated as Mandor Singh and furnished fake documents.

The Counsel for the petitioner *inter alia* contends that the investigation in the present case is complete. The FSL report regarding the handwriting comparison is still awaited and as such the petitioner at this stage cannot be said to be connected with the commission of alleged offence. He submits that in terms of the bar contained under Section 195 Cr.PC, the present FIR was not maintainable and the procedure prescribed under Section 340 Cr.PC read with Section 195 Cr.PC ought to have been followed. It is lastly contended that as the investigation is complete and the petitioner is in custody since 07.03.2022 the further incarceration of the petitioner is not required, more so when the case is based on documentary evidence and is otherwise triable by the court of a Magistrate.

The Counsel for the State on the other hand submits that a fraud has been played upon the Court and, therefore, the petitioner does not deserve the concession of regular bail.

I have heard learned Counsel for both the parties at length.

Admittedly the petitioner is in custody since 07.03.2022 and only 04 prosecution witnesses out of 12 cited in the list of witnesses have

been examined till date. The petitioner is not involved in any other case and there is nothing to suggest that the petitioner will either flee from justice, tamper with the evidence or pressurize witnesses. Therefore, the triple test as laid down by the Hon'ble Apex Court in ***P. Chidambaram Vs. Directorate of Enforcement 2020 AIR (Supreme Court) 1699*** is *prima facie* satisfied.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner-**Hari Kishan** son of Sh. Mahender Singh is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, concerned.

If the petitioner indulges in similar offence for which he is currently charged, the State would be at liberty to move an application for cancellation of bail.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

July 27, 2022
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No