

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.

207

CRM-M-26532-2022

Date of decision: 10.08.2022

BIJENDER KUMAR JAIN

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Mr. Sushil Jain, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Arnov Kumar, Advocate
for the complainant.

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, by filing the present petition, cast under Section 438 of Cr.P.C., seeks grant of anticipatory bail in case FIR No.524 of 09.12.2021, registered at Police Station Baldev Nagar, District Ambala, wherein, offences constituted, under Sections 420, 467, 468, 471 of the IPC, are embodied.

2. Though, in respect of the petition FIR, this Court had admitted co-accused one Poonam to pre-arrest bail, through an order made on 09.05.2022, upon CRM-M-5848-2022, and, though prima facie, the present bail petitioner is entitled to become treated at par with the bail petitioner in petition (supra). However, the learned State counsel, and, also the learned counsel for the aggrieved victim, submit, that no parity in terms of the above order, as made by this Court, can yet be granted to the present bail petitioner.

3. In making the above submissions, the learned counsels

further submit that the forged birth certificate, as comprised in Annexure P-6, does not carry the seals, and, signatures of the issuing authority, and, also submit that the transfer certificate obtained by the present bail petitioner, for ensuring that his daughter one Poonam, secures admission in a school, is also forged. Therefore, both contend, that the custodial interrogation of the present bail petitioner is required.

4. However, the above made contention is rejected, as this Court deems it fit, and, admit the present bail petitioner, to pre-arrest bail, but subject to his rendering co-operation to the investigating officer concerned, inasmuch as, on a date, and, time convenient to both, theirs visiting the office of the Learned Executive Magistrate concerned, to ensure that the present petitioner supplies before the latter, both his specimen signatures almost alike the one as carried in Annexure P-7, and, also supplies his standard writings, for ensuring that they are sent for comparisons, to the hand writing expert concerned, with the disputed writings occurring in Annexure P-3, and, also with the disputed writings occurring in the transfer certificate(s).

5. Moreover, since at this stage, no evidence has been adduced by the prosecution, suggestive that in the event of the bail petitioner being enlarged on anticipatory bail, there is every likelihood of his fleeing from justice, and/or, tampering with prosecution evidence, thereupon too, it is not deemed fit to decline the relief of pre-arrest bail to the petitioner.

6. In aftermath, with the condition (supra), the instant petition is allowed, and, the order made by this Court on 15.06.2022, is made absolute on the same terms and conditions, but subject to his rendering

co-operation to the investigating officer concerned, and, his not influencing the prosecution witnesses, and, also his not tampering with the prosecution evidence.

7. The afore observations are meant only for the disposal of the present petition, and, shall not affect the merits of the trial arising from the FIR (supra).

10.08.2022
kavneet singh

(SURESHWAR THAKUR)
JUDGE

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