

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

CRM-M-30074-2022

Date of Decision:-**21.12.2022**

SULEMAAN

... Petitioner

Versus

STATE OF HARYANA

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Ms. Mehak Sawhney, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

-.-

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of regular bail in case having FIR No.100 dated 22.2.2022 registered under Sections 406, 420, 447, 467, 468, 471, 120-B IPC at Police Station Sohna City District Gurugram.

The counsel for the petitioner submits that initially FIR in the present case was registered against co-accused Hari Dutt and thereafter the name of the petitioner surfaced and he was arrested on 7.6.2022 and the only allegations against the petitioner are that he signed two disputed general power of attorneys executed by Hari Dutt in favour of Munni Devi and Sonia Devi, both dated 20.8.2020. The counsel for the petitioner further submits that the petitioner is not beneficiary in any manner of the aforesaid

General Power of Attorneys. The counsel for the petitioner further submits that main accused Hari Dutt is already given benefit of anticipatory bail by the Court of learned Additional Sessions Judge, Gurugram vide order dated 15.6.2022 (Annexure P-2). The counsel for the petitioner further submits that the petitioner is in custody for the last more than 6 months and offences are triable by the Court of Judicial Magistrate Ist Class and after completion of investigation, the police has presented the challan against the petitioner. So prayer is made that petitioner be granted concession of regular bail.

The instant petition is contested by the State counsel as well as complainant's counsel, both of whom have submitted that no doubt the petitioner signed the disputed General Power of Attorneys as a marginal witness but actually he is the master mind behind the entire occurrence and he received huge money in his bank account. It is further submitted that the petitioner is having criminal history detail of which is given in reply dated 23.8.2022 on behalf of the State. The counsel for the complainant further apprised the Court that petition seeking cancellation of bail granted to Hari Dutt is already pending in this Court and is now fixed for arguments in February, 2023. So prayer is made that the present petition be dismissed.

I have considered the submissions made by counsel for the parties.

The FIR in the present case was registered against Hari Dutt on the premise that he executed two general power of attorneys dated 20.8.2020 in favour of Munni Devi and Sonia Devi respectively without having any authority to do so. Thereafter the petitioner was nominated as an accused on the ground that he signed the said two documents being attesting witness.

The disputed documents were taken into custody by the Investigating Agency. It is a matter of evidence as to whether on the basis of aforesaid general power of attorneys the petitioner got any financial benefit. As per the counsel for the petitioner, the said two documents already stand cancelled. The petitioner was arrested in this case on 7.6.2022 and is presently lodged in judicial custody and police has presented the challan against the petitioner on conclusion of investigation, but it will take considerable time for the trial to conclude even after framing of charges. The counsel for the petitioner has clarified that in the another criminal cases the petitioner is already enlarged on bail.

In view of the above, no purpose is going to be served by keeping the accused behind the bars for any longer period. Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

21.12.2022
Gaurav Sorot

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