

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

CRM-M-32464-2022

Date of Decision: 1st August, 2022

Lilu Ram

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Vikas Bishnoi, Advocate for the petitioner.
Mr. Gaurav Bansal, AAG, Haryana.

AVNEESH JHINGAN , J.(Oral)

This petition is filed seeking regular bail in FIR No. 57, dated 18th January, 2022, under Sections 406, 420, 467, 468, 471 and 120-B IPC, 1860, registered at Police Station City Fatehabad, District Fatehabad.

Learned counsel for the petitioner claims parity with co-accused who was granted regular bail by this Court on 20th July, 2022, this Court passed the following order:-

"Petitioner is seeking regular bail in case of FIR No.57 dated 18.1.2022, under Sections 120-B, 406, 420, 467, 468 and 471 IPC, 1860, registered at Police Station City Fatehabad.

Learned counsel for the petitioner claims parity with co-accused Sandeep Kumar, who was granted regular bail by the Sessions Court by passing the following order:

"Accused Lilu Ram and Sandeep Kumar produced before the court in custody through VC. Their presence is hereby marked. They be kept in judicial custody and be produced before the court through VC on 13.5.2022.

Reply to the bail application of accused Sandeep Kumar has been filed on behalf of State. Copy given. Arguments heard on the bail application filed on behalf of applicant-accused Sandeep Kumar. It is the argument of learned counsel for applicant-accused Sandeep Kumar that applicant-accused has been falsely implicated in the present case. He is in custody in this case since 21.04.2022. Co-accused Pardeep Kumar has already been granted bail in this case by the court. No any offence punishable under sections 420, 406, 467, 468, 471 and 120-B of IPC has made out against accused Sandeep Kumar and he is no more required for any kind of investigation. He requested the court to grant concession of bail

to applicant-accused Sandeep Kumar.

On the other hand, ld. PP for the State argued that the applicant-accused in collusion with other accused hatched a conspiracy to cheat the complainant and also forged the documents and as such the offence was serious in nature and he was not entitled to the benefit of bail.

After hearing rival contentions, I am of the considered opinion that the present accused is liable to be granted concession of bail as he is in custody in this case since 21.04.2022.

Co-accused Pardeep Kumar @ Dara has already been granted bail in this case by the court. No any recovery is to be effected from accused Sandeep Kumar. Furthermore, keeping in view the fact that challan is yet to be filed and the trial of the case will take a considerable long time to conclude and no useful purpose would be served by detaining the accused behind the bars, accused Sandeep Kumar is admitted to bail on his furnishing bail bond in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the Court as well as subject to condition that he will not leave the State prior permission of the court and that he will not threat and influence the witnesses and he will appear before the court on each and every date of hearing. The requisite bail bond and surety bond on behalf of accused Sandeep Kumar not furnished."

Learned counsel for the petitioner further submits that the co-accused Sube Singh was granted anticipatory bail by this Court. He submits that the role attributed to the petitioner is that she impersonated herself as Shanti Devi. No recovery is to be made. The petitioner is in custody since 4.5.2022.

Learned State counsel opposes the prayer, however, on instructions is not able to distinguish the parity of the petitioner qua co-accused, so far as grant of bail is concerned.

Without commenting upon the merits of the case, considering the nature of allegations against the petitioner and the fact that no recovery is to be made and on the basis of parity with co-accused, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

Since the main case has been decided, the pending application, if any is rendered infructuous.

3. Learned counsel for the State though opposes the prayer for grant of bail, but is not in a position to distinguish the case of the petitioner qua the co-accused so far as grant of bail is concerned.

4. Without commenting on the merits of the case, on the basis of parity of petitioner vis-a-vis co-accused so far as grant of bail concerned

take time, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

5. The petition is allowed.
6. However, it is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(AVNEESH JHINGAN)
JUDGE

1st August, 2022
Parveen Sharma

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