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

CRM-M-34608-2022

Date of decision : 26.08.2022

Pankaj

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ajay Kripal Singh, Advocate for
Mr. Aman Pal, Advocate for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of regular bail to the petitioner in FIR No.32 dated 21.01.2022 registered under Sections 406, 409, 420, 467, 468, 471, 120-B of the Indian Penal Code, 1860 at Police Station City Kaithal, District Kaithal.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 18.04.2022 and in the present case, the investigation is complete and challan has already been presented and there are 13 prosecution witnesses, out of which, none have been examined as yet and thus, conclusion of trial is likely to take time. It is further submitted that the petitioner has not been named in the FIR and no role has been attributed to him as per the FIR and that it is Joginder Singh, in whose favour, the loan in question has been sanctioned and it is the said Joginder Singh who had given the documents with respect to ownership of his land, which were ultimately

found to be forged and fabricated. It is contended that the petitioner has been implicated in the case on the basis of disclosure statement of co-accused and no recovery has been effected from him in the present case.

Learned State Counsel on the other hand, has opposed the present petition for grant of concession of regular bail to the petitioner and has submitted that the petitioner is involved in several cases and thus, is habitual offender.

Learned counsel for the petitioner, in rebuttal to the abovesaid arguments, has relied upon the judgment of 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 and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in another case. 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 the learned counsel for the parties and has perused the paper book.

In the present case, the petitioner is in custody since 18.04.2022 and investigation is complete and challan has already been presented and there are 13 prosecution witnesses, out of which, none have been examined

as yet and thus, conclusion of trial is likely to take time. The petitioner is stated to be not named in the FIR and the loan, in the present case, has been given to Joginder Singh and it is the said Joginder Singh, who had produced the documents regarding the ownership of his land which were found to be forged and fabricated. The petitioner is sought to be implicated on the basis of disclosure statement of co-accused and even after the arrest of the petitioner, no recovery has been effected from him.

Keeping in view the abovesaid facts and circumstances as well as law laid down in ***Maulana Mohd. Amir Rashadi 's*** case (Supra), the present petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as an 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 application.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid judgment.

26.08.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**