

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-38251-2022
Date of decision : 12.10.2022

Vikrant Singla @ Vikkrant Singla

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.G.S.Madaan, Advocate
for the petitioner.

Mr.Praveen Bhadu, AAG, Haryana.

Mr.Lalit Kumar Yadav, Advocate
for the complainant.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.127 dated 22.03.2022 registered under Sections 420, 467, 468, 471, 120-B IPC at Police Station Central Faridabad, District Faridabad.

Learned counsel for the petitioner has submitted that in the present case, the FIR has been registered by the complainant by alleging that agreement dated 02.04.2021 (Annexure P-4) pertaining to the property of Malerna, District Fatehabad is a forged agreement and the same has not been signed by the complainant. It is submitted that the FIR has been registered without even getting the FSL report with respect to the signatures of the complainant and till date the FSL report has neither been annexed with the challan, nor submitted in the Court. It is further submitted that in

fact the said agreement is genuine and the present petitioner, on the basis of said agreement, had filed a suit for specific performance and reference to the plaint dated 10.12.2021 has been made in this regard. It is stated that the petitioner was granted interim injunction to the effect that the complainant would not create any third party right by alienation in the said suit property vide order dated 21.12.2021 and the said order was passed in the presence of counsel for the complainant, who is defendant in the said suit. It is further stated that the petitioner has been in custody since 26.05.2022 and the investigation is complete and the challan has already been presented and there are 15 witnesses and since the charges have not been framed, thus, the trial is likely to take time. It is also submitted that the case is triable by Magistrate and is on based documents and no purpose would be served by keeping the petitioner in further incarceration.

Learned counsel for the complainant as well as learned State counsel, on the other hand, have opposed the present petition for regular bail and have submitted that the petitioner is involved in one more case. It is further submitted by learned counsel for the complainant that in the present case, the complainant has not received any money and the agreement dated 02.04.2021 bears the forged signatures of the complainant. It is also submitted that a private handwriting expert has verified the said fact.

Learned counsel for the petitioner, in rebuttal, 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 while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other

cases. 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 learned counsel for the parties and has perused the paper book.

The petitioner has been in custody since 26.05.2022 and the investigation is complete and the challan has already been presented and there are 15 witnesses and since the charges have not been framed, thus, the trial is likely to take time. The case is triable by Magistrate. With respect to the agreement in question, the petitioner has already filed a suit for specific performance against the complainant, who is the defendant in the said suit, and vide order dated 21.12.2021, the Civil Judge (Jr. Div.), has passed the interim order in favour of the petitioner and has restrained the complainant from alienating the property in question and the said order has been passed in the presence of the counsel for the complainant (defendant in the suit). There is no FSL report till date prima facie showing that the signatures of the complainant have been forged on the said agreement to sell. At any rate, the entire case is on based documents and thus, no purpose would be served by keeping the petitioner in further incarceration.

Keeping in view the above said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned

other case.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence 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 a final 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 petition.

(VIKAS BAHL)
JUDGE

October 12, 2022
Davinder Kumar

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