

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

215/2

CRM-M-42484 of 2021 (O&M)

Date of Decision: 05.09.2022

Satyawan @ Makka

....Petitioner

Versus

State of Haryana

.....Respondent

CRM-M-35033 of 2022

Ajit Singh @ Kala

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Amit Kohar, Advocate
for the petitioner in CRM-M-42484 of 2021.

Mr. Priyanshu Kamra, Advocate
for the petitioner in CRM-M-35033 of 2022.

Mr. Naveen Singh Panwar, DAG, Haryana

JASGURPREET SINGH PURI, J. (Oral)

The present two petitions, seeking regular bail, arise out of the same FIR and therefore are being taken up together for final disposal with the consent of learned counsel for the parties.

The present FIR was lodged on the basis of a complaint that there were two juveniles namely Sajjan and Ajay who were granted bail by the Juvenile Court on the basis of fake birth certificate showing them to be

juvenile. The allegations against both the petitioners were that they had executed affidavits in respect of the same date of birth with regard to the aforesaid juvenile. Learned counsel for the petitioners have submitted that the petitioner Satyawar @ Makka is in custody from 09.07.2021 and the other petitioner namely Ajit Singh @ Kala since 10.07.2021 and both the petitioners are in custody more than one year. They submitted that so far as giving of the affidavits by the petitioners are concerned, the same were executed much prior to the alleged occurrence and therefore the intention with regard to getting the bail in the present case is not made out, in view of the time gap. He further submitted that the similarly situated co-accused namely Ram Chander has been enlarged on bail by this Court in CRM-M-53099 of 2021 on 02.05.2022.

Apart from the same, one of the juvenile namely Sajjan @ Sanju has also been enlarged on bail by this Court vide order dated 31.08.2022 in CRM-M-37944 of 2022.

On the other hand, Mr. Naveen Singh Panwar, learned DAG, Haryana has not disputed the period of custody of both the petitioners. He has further submitted that so far as giving of the affidavits by the petitioners is concerned, the same were given by them for the submission of the alleged fake certificates for the aforesaid two accused. The petitioners are co-villagers of accused and on the basis of their knowledge they had given the affidavits.

I have heard the learned counsel for the parties.

Both the petitioners are in custody since more than one year and the investigation has already been completed and *challan* has been presented.

It has been stated by learned counsel for the petitioners that the role of both the petitioners with regard to the affidavits executed by them

regarding the age of the juveniles, the same were executed much prior to the date of alleged occurrence and therefore the culpability of the petitioners cannot be fastened in the present case.

Be that as it may, both the petitioners are in custody for the last more than one year and it is not the case of State nor it has been argued by the learned State counsel that in case the petitioners are released on bail, they may abscond from justice or influence any witness or tamper with evidence.

In view of the aforesaid position, both the petitions are allowed. The petitioners shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

(JASGURPREET SINGH PURI)
JUDGE

September 05, 2022
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No