

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-40259-2022

Date of decision : 29.09.2022

Tej Singh Chauhan

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHLPresent: Mr.Aman Pal, Advocate
for the petitioner.

Mr.Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 439 Cr.P.C. 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 IPC at Police Station City Kaithal, District Kaithal.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 18.04.2022 and the investigation is complete and the challan has already been presented and there are 16 witnesses, none of whom have been examined and thus, the conclusion of trial is likely to take time. It is further submitted that the present case is triable by a Magistrate and the same is based on documentary evidence and thus, no purpose would be served by keeping the petitioner in further incarceration. It is further submitted that as per the prosecution case, the person who had forged the documents was one Resham Singh. It has been stated that without admitting his liability, and in order to show his bonafide, the petitioner is ready to deposit Rs.50,000/- with the complainant bank, in

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that on the basis of forged documents, the petitioner, who was working as a Branch Manager of the complainant Bank, had sanctioned various loans, including the loan to one Joginder Singh, amounting to Rs.12 lacs and the petitioner is involved in several other cases and is a habitual offender.

Learned counsel for the petitioner, in rebuttal, has submitted that said Joginder Singh has been granted regular bail by Additional Sessions Judge, Kaithal vide order dated 13.06.2022. He 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 is in custody since 18.04.2022 and the investigation is complete and the challan has been presented and there are 16 witnesses, none of whom have been examined and thus, the trial is likely to take time. The case is based on documentary evidence and thus, no purpose would be served by keeping the petitioner in further incarceration.

The co-accused of the petitioner i.e., Joginder Singh has been granted regular bail by the Additional Sessions Judge, Kaithal, vide order dated 13.06.2022. The petitioner, without admitting his liability, and in order to show his bonafide, is ready to deposit Rs.50,000/- with the bank in question.

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 trial Court/ Duty Magistrate and subject to him not being required in any other case and also subject to the petitioner giving an undertaking to the trial Court that he would appear before the trial Court on each and every date unless his appearance is personally exempted by the Court and subject to the petitioner depositing an amount of Rs.50,000/- with the bank in question, within a period of three weeks from today.

It is made clear that in case the above said amount is not deposited within the stipulated time and any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, 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

September 29, 2022

Davinder Kumar