

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

CRM-M-44180-2022

Date of Decision: September 28, 2022

Sachender Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Shiv Kumar, Advocate for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

AMAN CHAUDHARY, J.(Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.138 dated 28.02.2022, under Sections 406, 420, 467, 468 and 471 of IPC, registered at Police Station Palla, District Faridabad.

Learned counsel for the petitioner submits that the alleged incident with regard to the purchase of the plot by the petitioner is of the year 2004. It is further submitted that the allegations in the FIR made by the complainant are that the agreement to sell and receipts are forged inasmuch as he was at that time confined in Tihar Jail.

Learned counsel for the petitioner draws attention of this Court to the fact that the complainant in the FIR himself has mentioned that he came out of confinement from the Tihar Jail on 29.05.2004 still the FIR has been lodged on 21.08.2021, for which there is no explanation. He further submits that even the petitioner has lodged an FIR No.245, dated 16.05.2021, under Sections 148, 149, 323, 452 and

506 IPC against one Dharamvati and others, to whom also it is alleged that the complainant had sold the land. Further that even that lady Dharamvati had also lodged FIR against the petitioner on 04.06.2021 wherein the petitioner has been granted anticipatory bail vide order dated 06.07.2021 by the learned Sessions Judge. He further submits that the petitioner had instituted a civil litigation for permanent injunction against the complainant, which though decided against him, he has preferred a regular second appeal against it, which is pending before this Court. He further submits that the petitioner has been in custody since 18.05.2022. Though the challan has been presented on completion of the investigation, however, charges are yet to be framed. There are 12 prosecution witnesses.

Per contra, learned State counsel opposes the prayer of the petitioner on the ground that the petitioner had forged the agreement to sell as also the receipts while the complainant was in jail. She submits that the petitioner has lost the civil litigation, which he had instituted against the complainant. She, however is unable to controvert the fact that the incident relates to the year 2004, however the FIR has now been lodged; that the petitioner is in custody since 18.05.2022; that charges are yet to be framed and there are 12 prosecution witnesses.

I have heard learned counsel for the parties.

Keeping in view the facts and circumstances of the case, in particular, the incident is of the year 2004 and FIR has been lodged in 2022; petitioner is in custody for more than four months; challan has been presented but charges have not been framed; in the FIR lodged

against the petitioner, he has been granted anticipatory bail by the trial Court and his further detention behind the bars would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to him not being required in any other case. The petitioner shall abide by the following conditions:-

- “1. The petitioner will not tamper with the evidence during the trial.*
- 2. The petitioner will not pressurize/ intimidate the prosecution witnesses.*
- 3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*
- 4. The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.*
- 5. The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.*
- 6. The petitioner shall not in any manner misuse his liberty.*
- 7. Any infraction shall entail in withdrawal of the benefit granted by this Court.”*

In view of the above, this Court makes it clear that the observations made herein above are limited for the purposes of present proceedings and would not be construed as any opinion on the merits of

the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

September 28, 2022

sarita

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