

CRM-M-46342-2022

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-46342-2022

Date of Decision: November 18, 2022

Mohan Singh @ Monu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Kulwant Singh Dhanora, 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.698 dated 05.08.2022, under Sections 406, 420, 467, 468 and 471 IPC, registered at Police Station Assandh, District Karnal.

Learned counsel contends that the allegations are against the father of the petitioner who had obtained the loan from Oriental Bank of Commerce, Asandh by tampering with the jamabandi of the land of the complainant and to show the same to be in his name. Learned counsel submits that the petitioner was not named in the FIR, and has been involved only being the son of co-accused Satpal. He is neither the signatory or beneficiary nor a witness in the loan transaction. The car which is stated to have been recovered from the possession of the petitioner also belongs to his brother Sohan Lal @ Sonu, which has also been released on superdari to him. He has been in custody since 30.08.2022. Challan has been presented on 09.11.2022. Charges are yet to be framed.

On the other hand, learned State counsel opposes bail on the ground that the petitioner is involved in the loan transaction along with his father and one car has been recovered from him. She is however, unable to controvert the fact that that the petitioner is in custody since 30.08.2022 and that charges are yet to be framed.

I have heard learned counsel for the parties.

In view of the facts and circumstances of the case in particular that the petitioner who is 24 years old has been in custody since 30.08.2022; though challan has been presented; charges have not yet been framed; thus the trial is likely to take a considerable time, his further detention behind bars would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

Resultantly, 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.
8. The petitioner shall furnish his address and mobile number to the Trial

Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.

9. The petitioner shall deposit his passport, if any, with the Trial Court forthwith and in case, he does not have the passport, he shall furnish a specific affidavit in that regard.

It is made clear that in case of breach of any of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, this Court makes it clarified that the observations made herein above are limited for the purpose 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.

November 18, 2022
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(AMAN CHAUDHARY)
JUDGE

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