

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

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**CRM-M-48443-2022
Decided on : 27.10.2022**

Haider Ali

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. H.S. Grewal, Advocate
for the petitioner(s).

Mr. Vikas Bhardwaj, AAG, Haryana
assisted by P/SI Pawan Tomar.

SANJAY VASHISTH, J. (Oral)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to the petitioner – Haider Ali, who has been booked for having committed the offence punishable under Sections 419, 420, 467, 468, 471, 34 of IPC, in FIR No. 192, dated 13.05.2022, registered at Police Station Faridabad Central, District Faridabad, Haryana, during the pendency of trial.

Learned counsel for the petitioner argues that prime allegation against the accused persons in FIR is that by preparing the forged documents, they used to stand as surety for the co-accused for submitting the documents after granting bail by the Courts.

Learned counsel for the petitioner submits that name of the petitioner is not mentioned in the FIR, but is dragged in the case only on the basis of disclosure statement of Jamshed, when he was in policy custody.

He thus, argues that such a weak evidence is not admissible as per the

Evidence Act, and there is no other material with the prosecution to connect the petitioner with the present crime. He further submits that petitioner is not involved as an accused in any other case of similar nature, and there are fairly arguable points during the course of the trial showing the innocence of the petitioner. He further submits that further incarceration of the petitioner is not worth in this case.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, submits that petitioner is a member of the gang, who are busy in preparing the forged documents and thus, all have been challaned, and being a serious matter, petitioner should not be granted the concession of bail. Learned State counsel further submits that because of such like persons, as petitioner in the present case, hardcore criminals gets released on bail and they cause serious dent to the proceedings of the prosecution.

On being asked by the Court, learned State counsel further submits that after completion of investigation, challan has been submitted, however, charges are yet to be framed.

After hearing learned counsel for the parties and perusing the relevant material on record with their able assistance, this Court finds substance in the submissions made by learned counsel for the petitioner by observing that petitioner is involved in a case of cheating and fraud, which is triable by the Court of Ld. Magistrate. Besides this, petitioner is inside jail since 21.05.2022, as stated in the petition, and charges are yet to be framed. In other words, trial is yet to commence, and undoubtedly, its completion would take some time. Learned State counsel has also not been able to controvert the arguments that except the present case, petitioner is not

involved in any other case of similar nature.

In view of totality of circumstances, and the facts/allegations levelled against the petitioner, and the factors noticed hereinabove, I deem it appropriate to grant the concession of bail to the petitioner.

Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

It is further made clear that if in future petitioner is found indulged in similar kind of activities, prosecution would be at liberty to seek cancellation of bail in the present case.

Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

October 27, 2022

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*