

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-48837-2022

Date of decision : 28.10.2022

Ashok Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Sukhcharan Singh Gill, Advocate and
Mr.Pranshul Dhull, 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.168 dated 01.04.2022 registered under Sections 420, 467, 468, 471 IPC (challan presented under Sections 420, 467, 468, 471 and 201 IPC) at Police Station Pataudi, District Gurugram.

Learned counsel for the petitioner has submitted that after the anticipatory bail application of the petitioner was dismissed by this Court and also by the Hon'ble Supreme Court, the petitioner has surrendered before the trial Court on 29.07.2022 and since then he has been in custody and investigation is complete and challan has been presented and there are 12 witnesses and out of which, none have been examined and thus, the trial is likely to take time. It is further submitted that the petitioner is not involved in any other case and the case is triable by a Magistrate. It is stated that the entire case is based upon documentary evidence and thus, no

It is further stated that the petitioner had been working in the PWD Department from 10.09.2004 and other than the present FIR, there is no other complaint against the present petitioner even qua his service.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that in the present case, the petitioner had submitted a fake mark sheet on the basis of which he had got the promotion and the benefit of revised pay scale. The other facts have, however, not been disputed.

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioner had surrendered on 29.07.2022 and since then he has been in custody and the investigation is complete and challan has been presented and there are 12 witnesses and out of which, none have been examined and thus, the trial is likely to take time. The petitioner is stated to be not involved in any other case and the case is triable by a Magistrate. The entire case is based upon documentary evidence and thus, no purpose would be served by keeping the petitioner in further incarceration.

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.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then 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

October 28, 2022
Davinder Kumar

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