

CRM-M-6390-2023

Date of Decision: 10.02.2023

YOGENDER PAL SINGH ALIAS PAWAN ALIAS YOGINDER PAL
SINGH ... PETITIONER

V/S

STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. A.K.Khubbar, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG Haryana.

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VIVEK PURI, J. (ORAL)

The petitioner is seeking regular bail in case bearing FIR No. 73 dated 19.03.2019 under Sections 406, 420, 466, 467, 468, 471 IPC, registered at Police Station Sadar Yamuna Nagar, District Yamuna Nagar.

Custody certificate has been taken on record.

Learned counsel for the petitioner contends that precisely, the allegations against the petitioner are to the effect that he had raised a loan to the tune of Rs. 11,60,000/- from Sarv Haryana Gramin Bank on the basis of the forged jamabandi. The Bank had extended the credit facility on the basis of the registered mortgage deed. It has been further stated that the legal search report was also procured by the complainant-Bank before sanctioning the loan. Besides, the petitioner has repaid the entire outstanding amount and Annexure P-2 is the certificate issued by the complainant-Bank indicating that the borrower has deposited full and final payment under the Bank's OTS scheme and nothing is due from him. The petitioner is in custody for a period of 26 days and not involved in any other case.

Learned State counsel, on instructions of SI Gyan Singh, has not disputed the fact that the petitioner has repaid the loan amount but has opposed the bail application on the score that he had procured the loan on the basis of the forged jamabandi. The investigation of the case is complete and challan has been presented in the Court.

Be that as it may, the criminal liability of the petitioner has to be adjudicated during the course of trial. The loan amount has been repaid. The petitioner is in custody for a period of 26 days. His custodial interrogation is over and has been remanded to judicial custody. The offences are triable by the Judicial Magistrate. The investigation of the case is complete and challan has been presented in the Court. The conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner in further custody.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

10.02.2023

Janki

(VIVEK PURI)
JUDGE

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