

2023:PHHC:051863

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No. 220

CRM-M-9568-2023
Date of Decision:-13.04.2023

UDESH PAL

... Petitioner

Versus

STATE OF HARYANA

.. Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present:-
Mr. Shailender Kashyap, Advocate for the petitioner.
Mr. G.S. Dhillon, AAG, Haryana.
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SANDEEP MOUDGIL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.266 dated 23.06.2022 under Sections 420, 467, 468, 471, 120-B IPC and Section 66 (C) of Information Technology Act 2000 registered at Police Station Sector 7, Panchkula, District Panchkula.

2. The FIR in question was lodged at the instance of Priyam Bhardwaj, District Town Planner, Panchkula, wherein it has been alleged that before any sale deed is registered in the urban areas of Panchkula, the seller is required to get NOC issued from the Office of District Town Planner, Panchkula for which three documents are required i.e. a copy of the title deed, a draft of the sale deed and a copy of the Aadhar card and upon receipt of such documents necessary reports are made by the concerned officials and upon scrutiny of the same, recommendation for approval or rejection is made. Thereafter, the NOC is uploaded and sent

to the concerned Sub Registrar on the portal. The complainant alleged that it came to notice that several NOCs had been issued on the basis of forged documents and that even his signatures had been forged upon the same and that the NOCs had been issued without verification of the documents and without making any site visit and as a matter of fact several NOCs have been issued within a space of 10-30 minutes, whereas normally the process would take 2-3 weeks. It is further the case of prosecution that upon inquiry it was found that official e-mail ID of the complainant had been fraudulently used by one Udes Pal, Data Entry Operator (on) contract basis) and that the same had been used after office hours from the personal lap-top and mobile of said Udes Pal. It is further alleged that Raj Kumar, Clerk in the office of DTP, Panchkula had been conniving with Udes Pal for the purpose of issuing NOC on the basis of forged documents and without conducting the necessary verification.

3. Learned counsel for the petitioner has submitted that since investigation already stands concluded, his further detention is not required for any purpose.

4. Opposing the petition, learned State counsel has submitted that since it is the case where it was found that as many as 19 NOCs had been issued within a period of less than 30 minutes, it is apparent that the same had been issued simply on the basis of false and fabricated documents, as it would normally take more than a week for issuance of

NOC. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 4 months and that he is not involved in any other case. It has also been informed that challan already stands presented and as many as 44 PWs have been cited and that charges are yet to be framed.

5. This Court has considered rival submissions.
6. Though there are specific allegations leveled against the petitioner, but this Court finds that the petitioner has been behind bars for a substantial period of about 4 months. The trial has not even commenced till date and as many as 44 PWs have been cited. As such, conclusion of trial is likely to consume time. In these circumstances, the petitioner cannot be detained behind bars for an indefinite period. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

13.04.2023
yogesh

(SANDEEP MOUDGIL)
JUDGE

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