

122 + 212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18085-2023 (O&M)
Date of Decision:02.08.2023

Sumit Soni

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Vivek Goyal, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.45 dated 21.01.2022 registered under Sections 379, 420, 120-B of IPC (Sections 467, 468, 471 of IPC added later on) at Police Station Krishna Gate, Thanesar, District Kurukshetra.

As per the complainant, he was running a mobile shop for the last 12 years and the petitioner was working on a shop as an employee of the company between 2013 to 2017. As per the complainant, he used to keep passport, Aadhaar card, PAN card, voter card etc., in a shop. At about 8/10 months ago, the complainant had gone to State Bank of India for obtaining loan and came to know that an amount of Rs.1.12 lacs was due from him against a credit card issued by State Bank of India, Gurugram to the complainant. The complainant moved a complaint to the local police and during the course of investigation, it was found that the said documents had been wrongly used by the present petitioner and he got a credit card issued in his name by forging his

signatures and by misusing the documents kept by the complainant in his shop. Thus, the petitioner had caused a loss of Rs.1.12 lacs to the present petitioner.

Learned counsel for the petitioner contends that the petitioner had been falsely involved in the present case and was arrested on 05.02.2023. Learned counsel further contends that all the offences in the present case are triable by the Court of Magistrate and the final report under Section 173 Cr.P.C. has already been presented before the learned trial Court.

On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that there are serious allegations against the present petitioner and he is involved in one more case under Section 354-D of IPC. However, she admits that the petitioner is on bail in the said case.

I have heard the learned counsel for the parties and perused the record.

It is not in dispute that the petitioner was arrested in the present case on 05.02.2023 and the challan has already been presented before the learned trial Court on 02.05.2023 by the police. The prosecution has cited 24 witnesses and out of them, no witness has been examined so far.

Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

Pending application, if any, is also disposed off.

02.08.2023

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(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No