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

**CRM-M-32270-2023
Date of Decision: 13.07.2023**

Manmohan Singh Dhiman

..... Petitioner

Versus

State of U.T., Chandigarh

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Naresh Dilawari, Advocate,
for the petitioner.

Ms. Sudha Singh, Advocate for
Mr. Yashwant Singh Rathore, APP, U.T., Chandigarh.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.101 dated 13.05.2016, under Sections 420, 467, 468, 120-B IPC (Section 471 IPC added later on), registered at Police Station Sector-26, Chandigarh.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody from about 2 months and 5 days. He further submitted that it is a case where the allegations against the petitioner are pertaining to default of payment of installments regarding the car loan which he had taken from the bank and thereafter, the provisions of Section 471 of the IPC were also added on the ground that the petitioner had forged some

documents. He also submitted that all the documents were already with the bank or with the police and it is a money dispute between the bank and the petitioner and the petitioner has already faced incarceration for about 2 months and 5 days. He further submitted that initially the petitioner was not present at the time of presentation of challan and thereafter he was declared as proclaimed offender but he has now been arrested on 09.05.2023 and the matter is essentially civil in nature, therefore, he may be considered for the grant of regular bail.

3. On the other hand, Ms. Sudha Singh, Advocate for Mr. Y.S. Rathore, APP, U.T., Chandigarh has submitted that the petitioner was declared as proclaimed offender, therefore, he is not entitled for the grant of regular bail.

4. I have heard the learned counsels for the parties.

5. Even if the petitioner was earlier declared as P.O. but he was thereafter arrested on 09.05.2023 and he has already faced incarceration for 2 months and 5 days. The allegations against the petitioner were with regard to the non-payment of bank loan which appears to be a money dispute with the bank. So far as the allegation of fabrication of document is concerned, the same is also a subject matter of trial which can be proved by way of adducing evidence at the time of trial and even otherwise also, as per the learned counsel for the parties, all the documents are already with the bank or with the police.

6. Therefore, considering the aforesaid facts and circumstances, this Court deems it fit and proper to grant bail to the petitioner. Consequently, the present petition is allowed and the petitioner is ordered to

be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

13.07.2023

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |