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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-34490OF 2023 (O&M)
DATE OF DECISION: 24.07.2023****Anil Kumar****...Petitioner****Versus****State of Haryana****...Respondent****CORAM : HON'BLE MR. JUSTICE ARUN MONGA****Present :** Mr. Ashit Malik, Advocate,
For the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

ARUN MONGA, J. (ORAL)**CRM-29277-2023**

Allowed, as prayed for, subject to all just exceptions.

MAIN CASE

Petitioner seeks bail in case bearing FIR No.32 dated 04.02.2022, registered under Sections 419, 420, 467, 468, 471 of Indian Penal Code, 1860 (hereinafter referred to as "IPC") at Police Station, City Safidon, District Jind.

2. Per FIR, on 14.02.2017, one Surender Singh and his father Karan Singh, obtained an agricultural bank loan amounting to Rs.10 lakh, allegedly by forging mutation deed, jamabandi and other documents, of land comprising 52 Kanals 13 Marlas allegedly. However, later it was found that said land was already mortgaged with Kotak Mahindra Bank by the accused for a sum of Rs.70 lakh. Accused prepared forged revenue record and submitted in the bank. When accused did not repay the bank loan in time and their account was declared as NPA. During investigation, on the disclosure statement of co-accused Surender Singh, petitioner was nominated as accused. Petitioner is in custody in this case since 22.01.2023.

3. Learned counsel for petitioner submits that petitioner was the Branch Manager at the time when loan was disbursed to Surender Singh and

Karan Singh. He further contends that loan amount was disbursed after due verification of each and every document submitted by them.

3.1 Learned counsel further argues that co-accused Surender, who is beneficiary of loan amount, has already been granted concession of regular bail by this Court vide order dated 13.07.2023 passed in CRM-M-32454 of 2023 (Annexure P-2) and on the basis of parity alone, petitioner ought to be let out.

3.2 Learned counsel for petitioner would further urge that offence is triable by Magistrate. Investigation is complete. Challan has already been presented. Custodial interrogation of petitioner is not required. All the witnesses are official in nature. Petitioner is in custody since 22.01.2023.

4. On the other hand, learned State counsel, on instructions from SI Kuldeep Singh opposes the bail petition on the ground that allegations against the petitioner are serious in nature.

5. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

6. Challan has already been presented. Charges are though yet to be framed, but petitioner is not required for any further custodial interrogation. Commencement/conclusion of the trial is likely to take quite sometime. Allegations against petitioner are a matter of trial at this stage. Evidence being of documentary nature, has already been seized by the investigating agency. Co-accused Surender has admittedly been granted the concession of bail by this Court. Case of petitioner is at par with his co-accused Surender. Bail allows an accused to maintain his freedom until his guilt or innocence is determined. Whereas, petitioner has already been in jail for the last more than six months in preventive custody, being behind bars since 22.01.2023. Petitioner is being kept in custody merely on a suspicion that if he is let out, he may either tamper with evidence and/or influence witnesses.

7. Petitioner is stated to be 52-year old family person having two children and wife to look after. He is stated to have already lost his livelihood

for being kept in custody pending trial *qua* him. Further continued incarceration would render him permanently jobless as he will not be able to get job due to blot caused on his career. Heis stated to have fixed abode and it is unlikely that he is flight risk or will flee from the trial proceedings.

8. That apart, the alleged crime purportedly committed by petitioner is non-violent in nature. In case, he is released on bail, there is no likely threat to the society.

9. Considering the overall scenario and without commenting on the merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody.

10. Accordingly, petitioner is ordered to be released on bail, in case not required in any other case, on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court, where his case is being tried and in case he/she is not available, before learned Duty Magistrate, as the case may be.

11. In case, petitioner is found to be involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of his bail in the instant case.

12. It is made clear that any observations and/or submissions noted hereinabove shall not have any effect on merits of the case as the same are for the limited purpose of hearing/disposal of the instant bail petition alone and learned trial Court shall proceed in accordance with law without being influenced with this order.

13. Pending application(s), if any, shall also stand disposed of.

JULY 24, 2023
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No