

CRM-M-48560-2022 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-48560-2022 (O & M)

Date of decision: 17.07.2023

Mithun

..... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Pankaj Bali, Advocate, for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of the regular bail to the petitioner in FIR No.249 dated 05.05.2022 under Sections 419, 420, 467, 468, 471 and 120-B IPC read with Section 34 IPC at Police Station City, Panipat, District Panipat.

2. The brief allegations are that the petitioner got one lady by the name of Maya to impersonate his deceased grand-mother Surjo Devi to claim her (Surjo Devi's) pension being granted by the Education Department from which Surjo Devi had retired as a Sweeper.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. In fact, the offence, if any, had been committed with the help and in connivance with the

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arraying the said officials as co-accused would not arise. As the petitioner was in custody since 05.05.2022, only 07 out of the 14 prosecution witnesses had been examined so far and the petitioner was a first-time offender, he was entitled to the concession of bail, moreso, when the case was triable by the Court of a Magistrate.

4. The learned counsel for the State, on the other hand, contends that the allegations against the petitioner were serious. He had got Maya to impersonate his grand-mother Surjo Devi and had obtained pension despite the fact that Surjo Devi had expired. The CCTV footage of the camera installed in the premises of the Bank would show that the petitioner alongwith co-accused Maya had been visiting the Bank premises for the purpose of the withdrawal of the money from the Bank account of Surjo Devi. He, therefore, contends that the petitioner was not entitled to the grant of bail. He, however, concedes that the petitioner is a first-time offender, in custody since 05.05.2022 and only 07 of the 14 prosecution witnesses have been examined so far.

5. I have heard the learned counsel for the parties.

6. This Court in the case titled as ***Maninder Sharma Vs. State Tax Officer, State, Mobile Wing, Jalandhar, Punjab bearing CRM-M24033-2021(O&M) Decided on 31.08.2022*** has held as under:-

“Therefore, broadly speaking (subject to any statutory restrictions contained in Special Acts) , in economic offences involving the IPC or Special Acts or cases triable by Magistrates once the investigation is complete, final report/complaint filed and the triple test is satisfied then denial

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of bail must be the exception rather than the rule. However, this would not prevent the Court from granting bail even prior to the completion of investigation if the facts so warrant.”

7. In the present case, admittedly, the case is triably by the Court of a Magistrate. The petitioner is in custody since 05.05.2022 and only 07 out of the 14 prosecution witnesses have been examined so far. No serious apprehension has been expressed by the State that the petitioner would abscond from justice, tamper with the evidence or influence witnesses if granted the concession of bail. Therefore, in this situation, the further incarceration of the petitioner is not required.

8. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Mithun, is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

July 17, 2023
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No