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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-45250-2023 (O&M)

Date of decision:20.09.2023

Krishan Kumar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:** Mr. Randeep Singh, Advocate,
For the petitioner.

Mr.Karan Garg, AAG, Haryana.

ARUN MONGA, J. (ORAL)

After being declined bail by the trial Court, petitioner before this Court seeks his release as an undertrial in a case bearing FIR No.701 dated 07.12.2022, registered under Sections120-B, 177, 419, 420, 467, 468, 471 of Indian Penal Code, 1860 (for short 'IPC'), at Police Station, Ambala City, District Ambala.

2. Per prosecution version, FIR was lodged on a complaint received from the Court of ACJM, Ambala stating that in compliance of order dated 07.12.2022 passed by learned Sessions Judge, Ambala, an application for acceptance of bail bonds and surety bonds of accused-Sunil Kumar Rana was filed in the said court and said accused was granted bail on his furnishing bail bond in the sum of Rs.30,000/- with one surety in the like amount. One Dinesh son of Marmpa, furnished surety bond on behalf of accused. He was identified by Vikas son of Sukhdev. Aforesaid surety and identifier attached photocopies of Aadhar Cards. During checking of bonds, they were found to be fake persons. Dinesh later disclosed his real name as Sandeep Sharma. He was wrongly verified by co-accused Vikas. During investigation, petitioner was arrested who disclosed that he had prepared forged Aadhar card in the name of Dinesh son of Marampa. Petitioner was arrested on 16.01.2023 and is in custody since then.

3. Learned counsel for the petitioner argues that petitioner has been falsely involved in the present case on the basis of disclosure statement. He is first offender. Petitioner has thus been falsely implicated in the present case.

3.1 He further submits that petitioner is not required for further custodial interrogation. There is no likelihood of petitioner tampering with evidence and/ or influencing prosecution witnesses. Further contends that out of 13 prosecution witnesses, one has been examined. Trial will take some time to conclude as it is proceeding at a snail pace.

3.2 Co-accused Sandeep Sharma and Vikas have been granted concession of regular bail by this Court vide orders dated 17.07.2023 and 17.08.2023 (Annexures P-4 to P-5 respectively).

4. On the other hand, learned State counsel opposes the bail petition. He submits that petitioner has committed a serious offence. Petitioner was the one who prepared forged Aadhar card in the name of Dinesh son of Marampa. If enlarged on bail, there is every likelihood that he will commit similar offence and/or will flee from trial, and he might tamper with evidence or influence/intimidate the witnesses.

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

6. On a Court query, under instructions from HC Surjeet Singh, learned State counsel informs that after filing of challan, charges were framed on 15.02.2023. Investigation *qua* petitioner is complete, he is thus not required for custodial interrogation. Out of total 13 witnesses, only 01 have been examined so far. Bail allows an accused to maintain his freedom until his guilt or innocence is determined. Allegations against petitioner are a matter of trial at this stage. Whereas, petitioner has already been languishing in jail for the past more than 08 months in preventive custody, being behind bars since 16.01.2023.

7. Petitioner is being kept in preventive custody merely on an unfounded suspicion that if he is let out, he may either tamper with evidence and/ or influence witnesses. Offence allegedly committed by petitioner is of non-violent in nature and in that sense his release on bail is not a threat to society at large by committing any violent crime.

8. Petitioner is stated to be 37-year old family person and is only breadwinner of his family. They are living in sheer penury in his absence. He has already lost his livelihood due to prolonged incarceration. Petitioner is not flight risk in any manner, given that he has a family to look after and has a fixed abode.
9. Co-accused of petitioner have already been granted the concession of bail by this Court.
10. 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.
11. Accordingly, petitioner is ordered to be released on bail, if not required in any other case, on his furnishing bail bonds and surety bonds to the satisfaction of Ld. trial Court, where his case is being tried and in case he/she is not available, before learned Duty Judge, as the case may be.
12. 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.
13. 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 the instant bail petition alone and learned trial Court shall proceed without being influenced with this order.
14. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

20.09.2023
vandana

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No