

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

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CRM-M-51611-2023
Date of decision: 09.11.2023

Joginder Pal ..Petitioner

Versus

State of Haryana ..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. A.K. Singh Goyat, Advocate for the petitioner.

Mr. Jagdish Manchanda, Addl. AG, Haryana.

AMAN CHAUDHARY, J.

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.136, dated 08.03.2022, registered under Sections 406, 420, 467, 468, 471 and 120-B IPC, at Police Station Pundri, District Kaithal.
2. Learned counsel contends that the petitioner is in custody for last 7 months. The loan amounting to Rs.19 lacs was obtained by him under the Kisan Credit Card Scheme, out of which Rs.6,52,000/- stands repaid, to substantiate which, the bank statement has been produced, which is taken on record as Mark 'A'. Three co-accused have been granted anticipatory bail by the trial Court vide Annexure P-3. Charges stand framed on 28.08.2023 but out of 11 prosecution witnesses, only 2 have been examined. The offences are triable by the Magistrate. Copy of zimni order dated 28.09.2023 passed by the trial Court has also been shown that three witnesses i.e. HC Vikas, Pws Gourav and Kewal were served, however, they did not appear andailable warrants have been issued for their presence. He on instructions further submits that the

petitioner undertakes to mortgage 64 kanals of land, which was earlier mortgaged with the complainant-Bank. He is not involved in any other case.

3. The custody certificate dated 08.11.2023, filed by learned State counsel is taken on record, as per which, the petitioner is behind bars for 6 months and 28 days.

4. Learned State counsel opposes the bail on the ground that there are specific allegations against the petitioner of having forged the No Dues Certificate, consequent to which, the land mortgaged with the Bank measuring 64 kanals was redeemed. He is, however, unable to controvert the submissions made regarding the stage of the trial and the petitioner not being involved in any other case as also co-accused have been granted anticipatory bail.

5. Heard.

6. Keeping in view the facts and circumstances of the case, in particular that the petitioner is in custody for almost 6 months and 28 days; not involved in any other case; co-accused have been granted anticipatory bail by the trial Court; it is a case of Magisterial trial; charges were framed on 28.08.2023 and only 2 out of a total of 11 prosecution witnesses, have been examined so far; the trial is likely to take a considerable time, thus his further incarceration would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

7. As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and

subject to his not being required in any other case. The petitioner shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.
- (x) The petitioner shall comply with the undertaking within 15 days.

8. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State or the complainant shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

9. In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would

not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

09.11.2023
Ankur

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No