

215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:161303
CRM-M-53054-2023
Date of Decision: December 15, 2023

Ram Aasre

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Rahul Deswal, Advocate for the petitioner.

Mr. Randhir Singh, Addl. A.G., Haryana.

DEEPAK GUPTA, J.(Oral)

By way of present petition filed under Section 439 Cr.P.C., prayer is made for grant of regular bail in case FIR No.399 dated 28.08.2020, under Sections 420, 467, 468, 471 of IPC (Section 120-B IPC added later on), registered at Police Station City Bahadurgarh, District Jhajjar.

FIR was lodged on the complaint of Executive Officer, Municipal Committee, Bahadurgarh alleging that by using false and forged signatures, amount was transferred from IDBI Bank account of Municipal Committee, Bahadurgarh, in the account of the petitioner with Punjab National Bank. The details of 09 cheques have been given, the amount of which was transferred in the account of the petitioner. All these cheques have been issued during the period from 23.07.2020 to 24.08.2020. On the last date of hearing, following order was passed by this Court after receiving status report from the respondent-State:-

“Reply by way of affidavit of Shri Anil Kumar, HPS, Deputy Superintendent of Police, HQ, District Jhajjar along with the custody certificate has been filed in Court.

Learned counsel for the petitioner has drawn attention towards custody certificate dated 09.12.2021 (Annexure P.2) issued by Deputy Superintendent, Central Jail, Mandoli, Delhi revealing that the petitioner was in custody in that case right from 19.11.2019 to

09.12.2021. Learned counsel has then drawn attention towards para No.2 of the petition revealing that all the cheques in question, the amounts of which were transferred in the account of the petitioner, had been issued during 17.07.2020 to 24.08.2020. Learned counsel contends that it is the co-accused who was operating the bank account of the petitioner and that the petitioner has nothing to do with the money.

On specific query put to learned State Counsel as to who was operating the account of the petitioner as per the investigation, he seeks time to assist this Court.

Adjourned to 15.12.2023.”

Learned counsel for the respondent-State could not refute the aforesaid contentions to the effect that during the period cheques as mentioned in the FIR were issued, petitioner was in custody in some other case.

Custody certificate reveals that the petitioner is in custody for the last 01 year, 02 months and 20 days.

However, learned counsel for the petitioner has drawn attentions towards custody certificate (Annexure P-2), which was issued by the Superintendent of Prison, Central Jail, Mandoli, Delhi, as per which petitioner was involved in two other cases, registered at Krishna Nagar Delhi and Nawab Ganj, Kanpur (UP),

Having regard to the role attributed to the petitioner, but without commenting anything on the merits of the case, he is admitted to bail. He is ordered to be released on bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

Allowed.

December 15, 2023
sarita

(DEEPAK GUPTA)
JUDGE

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