

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

225

CRM-M-56142-2022**Date of decision: 29.03.2023****SONU LOHIYA**

....Petitioner(s)

Versus**STATE OF HARYANA**

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY*********

Present : Mr. Rakesh Dhiman, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

***********AMAN CHAUDHARY. J.**

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No. 164 dated 28.07.2022 under Sections 419, 420, 467, 468, 471, 120-B of the Indian Penal Code, 1860 and Section 12(1) (B) of the Passport Act, 1976 registered at Police Station DLF Phase-I, Gurugram, District Gurugram.

Learned counsel contends that the petitioner has been in custody for the last 7 months and 27 days having been arrested on 02.08.2022. The allegations were levelled against the co-accused namely Raju Nepali of having prepared the passports on the basis of forged documents. The name of the petitioner surfaced based on the disclosure statement of said Raju Nepali that the abovesaid passports were prepared with the petitioner. He submits that the petitioner has no concern with the same and is infact running a common service Centre commissioned by the Ministry of Electronics and Information Technology, Government of India at Chakarpur, Gurugram, wherein applications for learners

Driving License, Driving License, Adhar Card, Ration Card, Pan Card, Passports etc. are applied and sent to the concerned departments for processing and later downloaded. He has no authority to get any of the aforesaid documents prepared at his end. Challan has been presented, however, charges are yet to be framed and in all, there are 10 prosecution witnesses. He is not involved in any other case.

Learned State counsel opposes the bail on the ground that there are specific allegations against the petitioner in the disclosure statement of the co-accused and recovery of fake voter card, a laptop and a printer were effected from him. However, he is unable to controvert the other submissions with regard to custody, stage of the trial, the petitioner being not involved in any other case.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner has been in custody for the last 7 months and 27 days; he is not involved in any other case; Challan has been presented, however, charges are yet to be framed and in all, there are 10 prosecution witnesses; the trial is likely to take a considerable time, his further detention behind bars would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

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:-

1. The petitioner will not tamper with the evidence during the trial.
2. The petitioner will not pressurize/ intimidate the prosecution witnesses.

- 3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- 4. 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.
- 5. 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.
- 6. The petitioner shall not in any manner misuse his liberty.
- 7. 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.
- 8. The petitioner shall deposit his passport, if any, with the Trial Court forthwith and in case, she does not have the passport, she shall furnish a specific affidavit in this regard.

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

In view of the above, this Court makes it clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

29.03.2023

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