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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 54580 of 2023

Date of Decision:- 14.12.2023

KRISHAN LAL

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Ms. Priya Kaushal, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

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SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
225	02.09.2023	420, 467, 468, 471 and 120-B IPC (201 IPC added lateron)	Cheeka, District Kaithal

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner aged about 47 years is innocent and has been falsely implicated in this case. He submits that the petitioner happens to be the President of the Society, who was authorized by the Society to apply for the E-tenders and in the process, he had applied for Solvency Certificate. He submits that petitioner is not involved in any other criminal case, nor any

tender has been allotted to the petitioner and nothing is to be recovered from petitioner. He submits that co-accused Dhoop Singh-cashier and Gurmel Singh @ Gurmail Singh-Vice President of the Society have been granted concession of bail by this Court vide orders dated 04.10.2023 and 01.12.2023 passed in CRM-M-47277-2023 and CRM-M-51870-2023 respectively. He submits that the petitioner is in custody since 06.09.2023, hence he prayed for grant of bail.

3. Per contra learned State Counsel has submitted that considering the nature and gravity of offence where the accused in the case has produced fake credit limit certificate in a bid to take tenders, the petitioner is not entitled to bail at this stage, however he has not controverted the fact that other co-accused namely Dhoop Singh and Gurmel Singh @ Gurmail Singh who are Cashier and Vice President of the Society have been granted concession of bail by this Court.

4. Briefly, stating the case of the prosecution is that the office of District Food and Supply Controller, Kaithal has invited E-tender wherein Haryana Cooperative MLC, Society through its office bearers applied by uploading certain documents. Complaint was filed by one Pargat Singh against the genuineness of the certificate i.e. Solvency Certificate and Credit Limit Certificate, which were found fake and FIR was registered against the petitioner and other co-accused.

5. Admittedly, the petitioner happens to be the President of the said Society and was duly authorized for applying of these E-tenders. It is vehemently submitted by learned counsel for the petitioner that the role of

the petitioner is that he only applied for the issuance of Solvency Certificate. It is not disputed by the State that Solvency Certificate had been issued by the Bank. Co-accused Dhoop Singh and Gurmel Singh @ Gurmail Singh who are Cashier and Vice President of the Society have already been granted concession of bail by this Court. The petitioner is having clean antecedents. The petitioner is in custody since 06.09.2023 and criminal liability, if any, on the petitioner would be determined after conclusion of trial, which will take sufficient long time and no useful purpose would be served by keeping the petitioner behind bars any longer.

6. Consequently, without commenting on the merits of the case, and keeping in view the medical condition of the petitioner, it is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

14.12.2023

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No