

102

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

**CRM-M-60533-2023
Date of decision : 06.12.2023**

NARESH KUMAR

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Randeep Singh, Advocate for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

Apprehending his arrest in FIR No.0479 dated 03.12.2022, registered for offences punishable under Sections 420, 467, 468, 471 of the Indian Penal Code, 1860 at Police Station Central Faridabad, District Faridabad (Haryana), the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

2. As per the contents of the FIR it has been alleged as under :

“xxxx Registration of FIR for giving fake surety for accused Ajay Kumar Pandit in case FIR No. 69-2018, Police Station Tigaon. Accused Ajay Pandit was granted bail vide order dated 09.09.2022 passed by this court. In compliance of aforesaid order, bail bonds were furnished on behalf of accused Ajay Kumar Pandit, which were accepted and attested surety Ajay Kumar son of Banwari submitted registration certificate of vehicle bearing no. HR-29-AP-1305. Concerned Ahlmad was

directed to send information regarding furnishing of surety on behalf of accused and to intimate this court regarding genuineness of registration certificate of vehicle no. HR-29-AP-1305. Report dated 28.10.2022 received from Registration Authority, MV Ballabgarh to the effect that this vehicle has been registered in the name of Varun Sharma son of Vasudev Sharma, resident of House no. 119, Gali no. 7, Vishnu Colony, Ballabgarh. As per directions of the Presiding Officer, a request is made to register the FIR in the relevant sections touching the matter in question and investigate the same and to book the culprits, who were involved in this crime. All the documents relating to the surety are available on the case file State Vs. Bittu and others, FIR No. 69-2018, Under Section 307, 188, 353, 379 of IPC, Police Station Tigaon, which is fixed for 29.11.2022. Sd/- Satender Sharma, Complainant Reader in the court of Sh. Rajesh Kumar Bhankhar, Additional Sessions Judge, Faridabad. Today: - Upon having received the above said order from the Court of Sh. Rajesh Kumar Bhankhar, ASI, Faridabad, FIR no. 479, Dated 03.12.2022, Under Section 420, 467, 468, 471 of IPC, Police Station Central Faridabad has been registered and copies of FIR, after being prepared by computer, are being sent to the Illaqa Magistrate and Higher Police Officers. Police file along with original order is being sent to I.C., Police Post, Sector 14 for further action.xxxxxx”

3. I have heard counsel for the parties and have gone through records of the case.
4. As per settled law laid down by Apex Court in **Gurbaksh Singh Sibbia vs. State of Punjab, 1980 (2) SCC 565**, reiterated in **Sushila Aggarwal and others Vs. State (NCT of Delhi) and another, 2020 (5) SCC 1** the Court while considering his prayer for pre-arrest bail has to consider as to whether the accusation appears to be actuated by mala fides,

nature of seriousness of the proposed charges, the role attributed to the applicant and the probabilities of securing presence of the applicant during the course of trial and as to whether there is any apprehension that the applicant will tamper with the witnesses or evidence.

5. It is the aforesaid considerations which need to be balanced by the Courts while considering grant of pre-arrest bail.

6. When present case is viewed from the prism of afore-stated considerations, this Court finds that there is nothing on record to show that the allegations levelled against the petitioners are motivated.

7. Keeping in view the seriousness of the allegations against the petitioner and the fact that role attributed to the petitioner which is based upon documentary evidence can have a far reaching effect and can call for collapse of whole of the system this Court does not find any reason to grant discretionary relief of anticipatory bail to the petitioner. Consequently, the present petition is dismissed.

December 06, 2023		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No