

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-1783-2024
Date of decision: 13.02.2024

ParsadiPetitioner.

Versus

State of HaryanaRespondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Shivam Grover, Advocate and
Mr. Ivan S. Khosa, Advocate,
for the petitioner.

Mr. Vishal Malik, DAG, Haryana.

.....

SANJIV BERRY, J. (ORAL)

1. Status report dated 09.02.2024, filed in the form of affidavit of Assistant Commissioner of Police, Kharkhoda, Sonapat, on behalf of State-respondent, is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. Instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR (Annexure P-1). Details of the FIR are as under: -

FIR No.	Dated	Sections	Police Station
207	20.04.2023	193, 199, 200, 466, 468, 471, 420, 120-B IPC	Kharkhoda, Sonapat

3. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the petitioner is in custody since 18.08.2023 and challan has already been presented in this case which is triable by the Court of Magistrate. He, as such, prays for grant of regular bail to the petitioner.

4. *Per contra*, learned State counsel, referring to the aforesaid reply dated 09.02.2024, submits that the petitioner has actually participated in getting prepared a forged birth certificate of his son in order to secure his bail in case FIR No. 817 of 2021 under Sections 363, 366A, 376(2)(n), 376D, 366 IPC and Section 6 of the POCSO Act registered at Police Station Kharkhoda, Sonapat, Haryana, and prays for dismissal of the bail. However, he admitted the presentation of challan and that out of 18 witnesses cited by the prosecution, 02 witnesses have been examined till date.

5. After considering the rival contentions and perusing the record, it transpires that as per the case of the prosecution, the son of the petitioner was booked in case FIR No. 817 of 2021 (*supra*) and was lodged in jail. In order to secure his release on bail, the petitioner asked his other son to get prepared a forged birth certificate which he allegedly got prepared from Atul Pathak by paying him Rs. 200/-. Said Atul Pathak has already been granted concession of bail. The petitioner is in custody since 18.08.2023 and challan has already been presented in the Court after completion of investigation. Admittedly, out of total

18 witnesses cited by the prosecution, only 02 witnesses have been examined till date and the conclusion of trial in the present case which is triable by the Magistrate will take sufficient long time and in these circumstances, it is observed that no purpose would be served in detaining the petitioner in custody any longer to face the incarceration till the conclusion of trial. Accordingly, without commenting on the merits of the case, instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing surety bonds/bail bonds to the satisfaction of Trial Court/Duty Magistrate.

6. The petitioner shall give the undertaking that he will not leave the country without prior permission of the Court; will regularly appear before the trial Court on each and every date; in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed and he will not tamper with evidence of prosecution in any manner.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

8. Petition stands allowed.

13.02.2024
preeti

(SANJIV BERRY)
JUDGE

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