

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-7896-2024
Date of decision: 29.04.2024

Juned Ahmad.....Petitioner.

Versus

State of Haryana....Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. A.K. Singal, Advocate,
for the petitioner.

Mr. Vishal Malik, DAG, Haryana.
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SANJIV BERRY, J. (ORAL)

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
257	20.06.2023	380, 406, 420, 466, 468, 471, 120-B IPC (467 and 201 IPC added and 466 IPC deleted during investigation)	Tehsil Camp, Panipat, District Panipat.

2. Custody certificate dated 26.04.2024 filed by learned State counsel in Court today is taken on record. Copy thereof supplied to learned counsel for the petitioner as well.

3. Arguments heard.

4. 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 as per the prosecution case the only allegation levelled against the petitioner is that he printed the letters which were given to the complainant by the main accused, namely Mayank Malhotra. He contends that there is no allegation of allurement or forgery against the present petitioner. He contends that the petitioner is in custody since 17.09.2023; challan has already been presented in this case and out of 27 total witnesses none has been examined till date.

5. *Per contra*, learned State counsel, has not disputed the factual matrix and admitted that the role of the petitioner is that the letters given by him to the complainant by the co-accused, namely Mayank Malhotra, were got printed from the petitioner in his shop and a mobile phone; monitor and printer have been recovered from the petitioner. He contends that out of total 27 witnesses none of the witness has been examined till date.

6. Considering the respective arguments and perusing the record, it transpires that the case of the petitioner is that the co-accused, namely Mayank Malhotra, had allured the complainant for providing

them government job and after taking money he had handed over to them forged and fabricated letters of alleged appointment. The role qua the petitioner is that the said letters were printed at his shop. The petitioner is in custody since 17.09.2023 and there is no allegation qua the petitioner that he had allured the complainant or handed over the alleged letters of appointment which in turn were forged and fabricated. None of the witness has been examined out of 27 total witnesses. 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 learned Trial Court/Duty Magistrate.

7. 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.

8. 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.

9. Petition stands allowed.

10. Pending miscellaneous application, if any, also stands disposed of.

29.04.2024
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(SANJIV BERRY)
JUDGE

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