



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17722-2023 (O&M)
Date of decision :13.05.2024

Rajnish Kumar ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ashish Gupta, Advocate for the petitioner.

Ms. Manjot Kaur, AAG, Punjab.

Mr. Himanshu Arora, Advocate for
Mr. Kulwant Singh, Advocate for complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail pending trial to the petitioner in FIR No. 166 dated 20.06.2022, under Sections 420, 465, 467, 468, 471 of Indian Penal Code 1860 (for short ‘IPC’) and section 120-B IPC added later on registered at Police Station Division No. 5, Ludhiana, District Police Commissionerate, Ludhiana.

2. Allegations are that petitioner alongwith other co-accused prepared forged death certificates, Pan Cards/Aadhaar Cards tampered the names of bearers of cheques and cheated various persons.
3. Learned counsel for the petitioner contends that he is regularly appearing before learned trial Court and there is no other criminal case pending against him except the present FIR and there is no allegation that petitioner is likely to misuse the concession of bail or hamper the proceedings in any manner.



4. Learned State Counsel, on instructions from quarter concerned, has acknowledged the above factual position and submits that petitioner is regularly appearing before learned trial Court and he is fully cooperating in the ongoing trial. Also acknowledged that petitioner has not misused the concession of interim bail granted by this Court on 26.07.2023.

5. Learned counsel for the complainant has opposed the prayer of petitioner on the premise that allegations are serious in nature.

6. Heard learned counsel for both the sides and perused the paper book.

7. This Court, granted interim bail to the petitioner on 26.07.2023, in the following manner:-

“ Contends that petitioner is in custody since 12.08.2022; challan was presented on 18.08.2022 and charges have been framed on 18.10.2022. Also contends that there is no other criminal case pending against the petitioner.

Learned State counsel will verify the above factual position.

Posted for 01.09.2023.

In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on his furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

8. Learned State counsel has duly acknowledged that after passing of the aforesaid order, petitioner is regularly appearing before learned trial Court and there is no allegation that in case, interim bail is made absolute, he is likely to misuse the concession or hamper proceedings in any manner. In such a scenario, sending the petitioner to custody at this stage would not serve any purpose.

9. Since learned State counsel has not opposed the prayer of petitioner, hence, the objection raised by learned counsel for the complainant is rejected.



10. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 26.07.2023, is made absolute. He shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
11. Petitioner shall appear on each & every date of hearing and to fully co-operate with learned trial Court without seeking any unnecessary adjournment(s).
12. The above observations may not be construed as an expression of opinion on the merits of the case.
13. It is clarified that in case there is any misuse of concession by the petitioner, State/complainant(s) would be at liberty to move an appropriate application for recalling of this order.
14. Pending application(s), if any, shall also stand disposed off.

13.05.2024
Harish Kumar/v

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No