



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

224

CRM-M-25860-2024

Date of decision: May 27th, 2024

Ritik Goyal

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. G.K. Maan, Senior Advocate
with Mr. Gursharan Singh, Advocate
for the petitioner.

Mr. Navdeep Singh, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J.

This is a second petition filed by the petitioner seeking the concession of regular bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.300 dated 03.10.2023 under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 registered at Police Station Derabassi, District S.A.S. Nagar.

2. At the outset, a pointed query was put to the learned senior counsel for the petitioner as to what was the material change in circumstances after the withdrawal of the previous petition, wherein similar relief had been sought, as recently as on 08.04.2024, it has been submitted that not only the investigation in the present case is complete as challan has been presented but even the prime accused on whose disclosure statement, the petitioner came to be nominated as an accused and one other identically placed co-accused had been extended the concession of bail.

3. Learned senior counsel for the petitioner has contended that he has been falsely implicated in the present case along with the other accused for allegedly causing loss to the State Exchequer by preparing and using fake NOCs purportedly issued by Municipal Councillors (MCs). While drawing the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1, learned senior counsel has further asserted that the false implication of the petitioner is evident from the fact that he was neither named in the FIR in question nor had he been attributed any role much less specific, therein. He came to be nominated as an accused solely on the basis of a disclosure statement allegedly made by prime accused Gulshan Kumar, who has already been granted bail by a coordinate Bench of this Court. It has been urged by the learned senior counsel that the evidentiary value of the disclosure statement on the basis of which the petitioner has been arraigned as an accused is of an extremely weak nature. Learned senior counsel has further submitted that the petitioner has now been in custody for more than eight months having been arrested on 21.10.2023. Given that it is a magisterial trial and the investigation is complete as challan stands presented, further incarceration of the petitioner would serve no useful purpose as none of the 87 witnesses cited by the prosecution have been examined till date, coupled with the fact that since the case at hand hinges on documentary evidence, the continued detention of the petitioner would serve no useful purpose as firstly, no recovery is to be affected from him, coupled with the fact that there can be no apprehension of the petitioner tampering with evidence. Additionally, it has also been submitted that

co-accused Suresh Jain, who is similarly placed, has already been extended the concession of bail by a coordinate Bench of this Court.

4. *Per contra*, learned State counsel while opposing the prayer and submissions made by counsel opposite, has however not disputed that the petitioner was not named in the FIR in question and his name surfaced only in the disclosure statement allegedly made by co-accused Gulshan Kumar, who has since been granted bail. It has also not been disputed that identically placed co-accused Suresh Jain has been granted bail. Furthermore, learned State counsel has also acknowledged on instructions that investigation is complete, challan stands presented and 87 witnesses have been cited by the prosecution, who are yet to be examined. Learned State counsel has however, submitted that no doubt, the petitioner was nominated as an accused in the disclosure statement made by the co-accused Gulshan Kumar, but the petitioner along with the co-accused had been preparing fake NOCs and other documents, which were then used by the prime accused to commit the crime in question. Learned State counsel, however, submits that charges have not yet been framed and are likely to be framed on the next date of hearing.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. As not disputed by the learned State counsel, the investigation has been completed and challan stands presented against all the accused including the petitioner. The petitioner has been in custody since 21.10.2023, in a case triable by a Magistrate. The trial is, therefore, unlikely to conclude in the near future as none of the 87 prosecution witnesses have been examined.

7. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

May 27th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No