

2024:PHHC:114888



214.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29927-2024
Date of decision: 03.09.2024

Nishant Petitioner

Versus

State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Abhay Chauhan, Advocate, and
Mr. Deepak Grover, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

GURBIR SINGH, J.

1. This petition has been filed under Section 439 of Cr.P.C for grant of regular bail to the petitioner, pending trial, in case FIR No.165, dated 13.04.2024, registered under Sections 201, 420, 451, 467 of IPC at Police Station Chandimandir (Sector 23), Panchkula.
2. The allegation against the petitioner is that he along with co-accused Jitender Raghu, prepared fake joining letters of Darshan and Rohit on the pretext of giving them employment in Command Hospital (Western Command), Chandimandir.
3. Learned counsel for the petitioner has argued that the petitioner has not committed any offence as alleged in the FIR. Petitioner is in custody since 17.04.2024. There is 13 days delay in lodging the FIR, as

the complaint is dated 31.03.2024 whereas the FIR was registered on 13.04.2024. Conclusion of trial will take long time. No useful purpose would be served by further incarceration of the petitioner.

4. Learned State counsel has filed the custody certificate dated 02.09.2024 of the petitioner in Court today. As per said custody certificate, petitioner has undergone 4 months and 16 days. On the strength of status report already filed before this Court, learned State counsel has opposed the bail to the petitioner by contending that the petitioner and his co-accused Jitender Raghu allured the innocent persons in order to commit fraud. In the instant case, the petitioner and his co-accused intentionally prepared fake joining letters, training sheets through his mobile phone and same have been sent to approximately 45-50 persons in return of consideration. During the course of investigation, various documents like joining letters, admission forms, identity cards etc. have been recovered from the petitioner and taken into possession. The mobile phone used in the crime has also been recovered from the petitioner and sent for FSL examination and the report is still awaited.

5. I have heard the submissions of learned counsel for the petitioner, learned State counsel and have gone through the file.

6. Considering the fact that the petitioner is in custody for the last 4 months and 16 days; petitioner received sum of Rs.5,000/- from Rohit and Rs.1,250/- from Darshan Singh from whom alleged letters were recovered; culpability of the petitioner would be determined during trial;

and completion of trial will take some time, this Court deems it appropriate to release the petitioner on regular bail.

7. Accordingly, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of concerned learned trial Court/Chief Judicial Magistrate/Duty Magistrate, with the further condition that he shall get his mobile number registered in the trial Court for receiving messages on CIS system and shall not change his mobile number during the pendency of the case. He shall also furnish his residential address to the trial Court as well as to the concerned police station and shall not change his residence without intimation to the concerned court. The court concerned may impose any other condition as it deems fit. In case of default, the trial Court is free to cancel the bail granted to the petitioner.

8. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case on the basis of material available before it.

(GURBIR SINGH)
JUDGE

September 03, 2024
sanjeev

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No