



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

234

CRM-M-29991-2024

Date of decision: July 18th, 2024

Sandeep @ Sandeep Pardhan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Harpreet S. Multani
and Mr. Harmanpreet Singh, Advocates
for the petitioner.

Mr. Gagandeep Singh Chhina, Assistant Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.159 dated 01.04.2022 under Sections 420/467/468/471/406/120B/506 of the IPC registered at Police Station Sampla, District Rohtak.

2. Learned counsel for the petitioner submits that in a magisterial trial, the petitioner has now been in custody since 20.03.2024. It has still further been submitted that a petition under Section 438 of the Cr.P.C. had been moved before this Court by the petitioner, which was dismissed on the ground that he had impersonated the original owners of the property i.e. Suman and Pawan and thereafter, sold the property to the complainant. Learned counsel has submitted that the instructions of the learned State counsel before this Court were factually incorrect and contrary to the case of the prosecution. As per the challan also, no such allegation stands levelled against the petitioner.

It has further been submitted that since investigation is complete and the instant case hinges on documentary evidence, which is now in the possession of the prosecution, further incarceration of the petitioner would serve no useful purpose as there can be no apprehension of the petitioner tampering with evidence or even intimidating the prosecution witnesses.

3. Learned State counsel while opposing the prayer and submissions made by the counsel opposite has not disputed that the present case is based on documentary evidence, which is already in the possession of the investigating agency and is now part of the challan. Learned State counsel has also not disputed that the petitioner was not the alleged impersonator of the original owners of the property in question, however, it has been asserted by the learned State counsel, on instructions from ASI Rajesh Kumar, that he was the mastermind behind the crime in question as it was the petitioner, who had fabricated the power of attorney and also signed as a witness on the agreement to sell.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The present case hinges on documentary evidence and is already part of the final report presented under Section 173 of the Cr.P.C. In a magisterial trial, the petitioner has now been in custody since 20.03.2024 and the possibility of the trial concluding in the near future seems unlikely in view of the fact that charges are likely to be framed only on the next date of hearing, coupled with the fact that as many as 39 witnesses have been cited by the prosecution.

6. 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.

July 18th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No