



CRM-M-30175-2024

-1-

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-30175-2024
Date of decision: 08.08.2024

ManishPetitioner.

Versus

State of HaryanaRespondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Parveen Chauhan, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

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SANJIV BERRY, J. (ORAL)

- 1. Custody certificate dated 07.08.2024 filed by learned State counsel is taken on record.
- 2. Status report dated 07.08.2024, filed in the form of affidavit of Deputy Superintendent of Police, Detective, Hisar, on behalf of State-respondent, is taken on record.
- 3. 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
0533	05.09.2023	467, 468, 406, 420, 34 IPC	Civil Lines, Hisar

**CRM-M-30175-2024****-2-**

4. Briefly stated that the facts of the case are that the complainant had received a phone call on 05.06.2023 from one Sanjeev proclaiming that he will get him a government Job as Home Guard for which he will have to pay Rs. 2.5 lakhs. Later, the said accused also showed him fabricated identity card and, accordingly, the FIR was registered. The petitioner along with one co-accused was arrested in case FIR No. 146 dated 10.04.2023, under Sections 406, 420, 467, 468, 471, 120-B IPC registered at Civil Lines, Hisar, and during the course of interrogation, on the basis of their disclosure statement they were arrested in the present case on 14.11.2023.

5. 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 the petitioner is not involved in any such transaction. He contends that the only role attributed to the petitioner in the case of the prosecution is that the photographs of fake identity card of the complainant had been recovered from the mobile phone of the petitioner. He contends that challan has already been presented in the Court and the petitioner is no more required for further interrogation. Hence, prays for grant of bail.

6. Per contra, learned State counsel, has submitted that the petitioner along with the co-accused had defrauded the complainant by alluring them to provide government job by taking Rs. 2.5 lakhs from them. He has further submitted that after investigation, challan has

**CRM-M-30175-2024****-3-**

been presented in the Court and the petitioner does not deserve concession of bail.

7. Considering the respective submissions and perusing the record, it transpires that the petitioner after being arrested in case FIR No. 146 (*supra*) had been taken into custody in the present case on 14.11.2023 and since then he is in custody. After conclusion of the investigation, challan has already been presented in the Court. The role attributed to the petitioner, as per the aforesaid reply, is that he had got the fake identity card of the complainant printed and the photographs thereof were in his mobile phone. The criminal liability, if any, of the petitioner can only be ascertained after the conclusion of trial in the present case triable by the Court of Magistrate which may take sufficient long time and in these circumstances, as observed, no purpose would be served in keeping 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 Trial Court/Duty Magistrate.

8. 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



CRM-M-30175-2024

-4-

qua his exemption to appear on the date fixed and he will not tamper with evidence of prosecution in any manner.

9. 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.

10. Petition stands allowed.

08.08.2024
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(SANJIV BERRY)
JUDGE

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