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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-30145-2024

Date of decision:-04.09.2024

MAYANK MALHOTRA

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Rajesh Bansal, Advocate for the petitioner.
Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed custody certificate dated 30.07.2024, the same is taken on record. Copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1) :-

FIR No.	Dated	Sections	Police Station
0257	20.06.2023	406, 380, 420, 467, 468, 471, 120-B IPC (201 IPC added lateron)	Tehsil Camp, Panipat, District Panipat.

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is in custody since 16.09.2023 and no specific overt act



has been attributed to the petitioner, but as per the allegations he alleged to have prepared the forged documents. He submits that after completion of investigation, challan has already been presented in Court and trial is going on, which will take sufficient long time. Hence he prays for grant of bail to the petitioner.

4. *Per contra* learned State counsel referring to the reply submitted by the State has opposed the bail application by arguing that the petitioner has actively participated in the crime and as such he is not entitled to concession of bail. However he has not disputed the fact that challan has already been presented in Court.

5. After going through the contentions raised by the parties and perusing the record, it transpires that the name of the petitioner was surfaced in the disclosure made by co-accused Juned Ahmed in facilitating the preparation of fabricated documents. Co-accused Juned Ahmed has already been granted concession of bail vide order dated 29.04.2024 of this Court (Annexure P-3). From the perusal of record it also transpires that there is no specific allegations on the petitioner having directly adduced or allured the complainant or victim in any manner. Petitioner is in custody since 16.09.2023. After completion of investigation challan has already been presented in Court, therefore, petitioner is not required for further investigation. Prosecution has cited as many as 27 witnesses and out of which only 4 witnesses have been examined and none of them has attributed any direct allegations against the present petitioner. The conclusion of trial to ascertain criminal liability, if any of the petitioner will take sufficient long



time.

6. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping the petitioner behind bars any longer. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

04.09.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |