



CRM-M-33491-2024 (O&M)

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257 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33491-2024 (O&M)
Date of Decision: 12.09.2024

Harish Verma ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Samay Shandhawalia, Advocate, for the petitioner.
Mr. Amit Chaudhary, DAG, Punjab.
Mr. A. P. S. Rana, Advocate, for the complainant.

ALOK JAIN, J. (ORAL)

1. The present petition has been filed *inter alia* praying for grant of regular bail to the petition in case FIR No.206 dated 26.05.2021 (Annexure P-1) under Sections 406, 120-B of IPC (Sections 465, 467, 468, 471 IPC added later on dated 12.01.2024 via Rapat No.20) registered at Police Station City Kharar, District SAS Nagar, Mohali.
2. At the outset, learned State counsel has filed the custody certificate of the petitioner dated 10.09.2024, which is taken on record, subject to all just exceptions.
3. A short reply has also been filed on behalf of respondent No.2/complainant, the same is taken on record, subject to all just exceptions.
4. Learned counsel for the petitioner submits that the



petitioner is in custody since 31.05.2021 and the *challan* has already been presented against him. He further submits that petitioner is innocent and the matter is purely civil in nature on the basis of documents.

5. *Per contra*, Learned State counsel submits that petitioner is involved in the offence of forging documents and committed fraud. Hence petitioner does not deserve the grant of regular bail.

6. At this stage, learned counsel for the petitioner has also volunteered that the petitioner is ready to deposit a sum of Rs.2,00,000/- and shall not abstain himself from being present at the trial at any stage except for any cogent reason permissible under law.

7. In light of the above and considering the fact that the petitioner is already suffering incarceration for more than 3 months and 5 days and the *challan* already stands presented, therefore, no useful purpose would be served by keeping the petitioner in custody, hence, the petitioner is entitled to the grant of the concession of regular bail.

8. Without commenting upon the merits of the case, the present petition stands allowed and the petitioner shall deposit a sum of Rs.2,00,000/- in the shape of an FDR with the trial Court during the pendency of the trial and petitioner is ordered to be released on bail if not required in any other case by furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned and in case, the petitioner absent himself from the proceedings, the said amount shall be forfeited in favour of the State.

The petitioner shall, however, be released on the following



conditions:

- (i) The petitioner shall declare his ordinary place of residence and the mobile number used by him.
- (ii) The petitioner will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
- (iii) The petitioner will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
- (iv) The petitioner will not leave the country without the prior permission of the Court, for which he will have to submit copy of his passport in the trial Court also. However, in case the petitioner does not possess a passport, then he shall file an undertaking to the said effect before being released.

The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

9. It is made clear that the amount of Rs.2,00,000/- deposited by the petitioner shall be kept in fixed deposit and in case, the petitioner is acquitted, the same shall be returned to him, however, in case of his conviction, the said amount shall be adjusted against the fine if any imposed upon him.

10. It is further made clear that, in case, the petitioner is found involved in any other FIR, the State as well as the complainant will be at liberty to promptly move an appropriate application for



cancellation.

11. However, nothing stated above shall be construed as a
final expression of opinion on the merits of the case.
12. It is further made clear that this order shall not be
construed as parity qua any other co-accused.
13. Pending miscellaneous application if any also stands
disposed of.

12.09.2024
anil

(ALOK JAIN)
JUDGE

Whether speaking/reasoned
Whether reportable

:Yes/No
:Yes/No