



**233 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-35674-2024

Date of Decision: 03.10.2024

HIRA LAL

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vishal Sodhi, Advocate, for the petitioner.
Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J.(ORAL)

Prayer in this petition is for grant of regular bail to the petitioner in the case bearing FIR No.300 dated 03.10.2023 under Sections 420/467/468/471/201/120-B IPC, registered at Police Station Dera Bassi, District SAS Nagar (Mohali).

Learned State counsel has produced the custody certificate of the petitioner. The same is taken on record.

Learned counsel for the petitioner submits that petitioner's false implication in the present case is evident from the fact that neither was he named in the FIR in question, annexed as Annexure P1, nor any specific role had been attributed to him; the petitioner came to be nominated as an accused solely on the basis of disclosure statement allegedly made by prime accused Suresh Jain @ Suresh Kumar, who has already been extended concession of bail by a Coordinate Bench of this Court. It has been urged that the disclosure statement on the basis of which the petitioner has been arraigned as an accused does not have much evidentiary value. Learned counsel has still further submitted that since the entire case of the prosecution hinges on documentary evidence and challan already stands

presented, further incarceration of the petitioner would serve no useful purpose as the trial would take considerable time to conclude with none of the 87 prosecution witnesses having been examined till date coupled with the fact that there can be no apprehension of the petitioner tampering with evidence.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite has not disputed that the petitioner was not named in the FIR in question and his name surfaced only in the disclosure statement allegedly suffered by co-accused, namely, Suresh Jain @ Suresh Kumar. On instruction from HC Sukhjinder Singh, it has also not been disputed that identically placed co-accused have already been enlarged on bail.

On a query put to the learned State counsel, he has not disputed the stage of the trial and also the custody period of the petitioner, who as per him, has now been in custody since 05.05.2024. However, learned State counsel has submitted that the petitioner alongwith co-accused had been involved in the preparation of as many as 16 fake No Objection Certificate (NOC) which were then used by the petitioner for getting sale deeds of different properties.

On a further query put to the learned State counsel, he, on instructions, has submitted that the petitioner has no previous criminal antecedents.

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

As per the allegations levelled in the FIR which was registered at the instance of Executive Officer of Municipal Council, Dera Bassi, it had come to the notice of Municipal Council that sale deeds were being

registered at Tehsil, Dera Bassi, on the basis of false and forged NOC(s) leading to registration of various sale deeds. When an enquiry was carried out, it came to light that out of total NOC/maps/building permits, provided by the Tehsildar, Dera Bassi, four online maps and two offline building permits were forged documents.

It has not been disputed by the learned State counsel, on instructions, that investigation in the present case is complete and challan also stands presented against all the accused including the petitioner. In a case triable by the Magistrate, the petitioner has now been in custody since 05.05.2024. Since the case at hand hinges on documentary evidence, there can be no apprehension of the petitioner tampering with evidence as it is all now part of the challan. The trial would take considerable time to conclude as none of the 87 prosecution witnesses having been examine till date.

In the facts and circumstances, as enumerated hereinabove, the instant petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of 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.

Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

03.10.2024
smriti

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No