

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

215

CRM-M-35509-2024 (O&M)
Date of Decision:- 30.08.2024

VIRENDER KUMAR ALIAS VARINDER KUMAR
....Petitioner(s)

Versus

STATE OF HARYANA
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Neeraj Goel, Advocate for the petitioner.
Mr. Surender Singh, AAG Haryana.

SANJIV BERRY, J. (ORAL)

1. Status report dated 28.08.2024 filed in the form of an affidavit of Assistant Superintendent of Police, Ambala, is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
15	12.01.2024	466, 467, 468, 471, 216 and 80 IPC	Ambala City, District Ambala

3. 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 submits that the petitioner is in custody since 23.04.2024 and after the completion of investigation, challan has been presented in the Court. He submits that the petitioner is not required for further investigation in the case



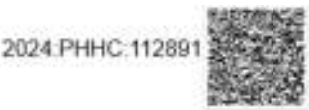
and the offences are triable by the Court of Magistrate. He further submits that the petitioner is not having any criminal antecedents, thus, prays for grant of concession of bail to the petitioner.

4. *Per contra*, learned State counsel while referring to the status report filed by the State has opposed the petition on the ground that the petitioner had forged and fabricated documents and furnished them before the Executive Magistrate, O/o SDM Ambala for getting himself discharged in the case registered against him.

5. Heard learned counsel for the parties and perused the record.

6. After considering the rival contentions and perusing the record, it transpires that as per the case of prosecution, the Executive Magistrate O/o SDM, Ambala had moved a complaint to the police alleging that the petitioner was arrested in *Rapat* No.12 dated 22.06.2020 registered under Sections 107/151/150 CrPC and later on he was discharged by the then Sub-Divisional Magistrate on 28.01.2021. Thereafter, another *kalandra* was presented against the petitioner by In-charge, Police Post Model Town, Ambala City through *Rapat* No.14 dated 08.03.2022 registered under Sections 107/150 CrPC, however, on appearance, the petitioner got his statement recorded that he has been discharged in the said case and presented the documents pertaining to him being discharged in *Rapat* No.12 and in this way the petitioner had tried to mislead the Court by presenting forged documents.

7. Admittedly, after the completion of investigation, challan has been presented in the Court. It is not disputed that the petitioner is not



having any criminal antecedents and he is in custody since 23.04.2024. The criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

8. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate 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.

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

10. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)
JUDGE

30.08.2024
S.Sharma(syr)

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