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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-41007of 2022
Date of decision:-29.02.2024

TARUN MAHAJAN

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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

Present:- Mr. Kunal Muthreja, Advocate with
Mr. Pulkit Dagar, Advocate for the petitioner.
Mr. Vishal Malik, DAG, Haryana.

SANJIV BERRY, J. (ORAL)

Report dated 23.02.2024 from the trial Court received. The same is taken on record.

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
151	10.06.2019	420, 467, 468, 471, 188, 201, 411 and 120-B IPC	Sector-37, Gurugram

3. In a *nutshell* the case put forth by the prosecution is that complainant Leela Ram had received land acquisition compensation amounting to ₹1,65,00,000/- in an account with State Bank of India, Sector

10, Gurugram. Some unknown persons have fraudulently withdrawn ₹1,37,46,308/- out of the same, which he came to know on 09.06.2019, as such, FIR was registered.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case as the petitioner has no concern with the alleged transactions nor he is beneficiary of the transactions. He submits that as per the allegations levelled by the prosecution he had affixed and forged the signatures of Leela Ram on the documents which were later used by co-accused Praveen Mittal for withdrawal of amount. He submits that the petitioner is in custody since 22.12.2021 and none of the witnesses have yet been examined in the present case triable by the Court of Magistrate and as such prayed for grant of bail to the petitioner.

5. Learned counsel for the State has not disputed the factual matrix of the case and by referring to the reply dated 23.01.2023 submitted by Assistant Commissioner of Police Headquarters, Gurugram has submitted that the petitioner was nominated in the case on the basis of disclosure statement made by co-accused Parveen Mittal. However, he has admitted that the challan has been presented in Court and out of 34 witnesses cited by the prosecution none has been examined till date. He has also placed on record custody certificate dated 28.02.2024.

6. After considering the rival contentions and going through the record, it transpires that the petitioner was not named in the FIR but was nominated on the basis of the disclosure statement made by co-accused

Parveen Mittal, the allegation against the petitioner is that he forged and affixed the signatures of Leela Ram on the documents which were handed over to Parveen Mittal for withdrawal of amount. There is nothing on record that the petitioner was the beneficiary of the transactions. Challan has been presented in Court, Charges have been framed and petitioner is in custody since 22.12.2021 and none of the witnesses out of the 34 witnesses cited by the prosecution has been examined till date. The conclusion of trial will take sufficient long time to ascertain criminal liability, if any, of the petitioner and no purpose would be served by keeping petitioner in custody any longer.

7. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. 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.

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

(SANJIV BERRY)
JUDGE

29.02.2024

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