

2024:PHHC:141326



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Sr. No.233

**CRM-M-41301-2024(O&M)
Date of decision : 28.10.2024**

Yogesh Kumar

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Sanjay Jain, Advocate, for the petitioner.

Mr. Deepak Thukral, Addl. AG, Haryana.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No.496 dated 03.09.2023, under Sections 120-B, 177, 193, 416, 419, 420, 467, 468 & 471 IPC, registered at Police Station Ambala City, District Ambala.

2. The facts in brief of the case are that the complainant Messenger Parmar, Reader to the Court of learned District & Sessions Judge, Ambala, had moved a complaint to the police alleging therein that in a criminal case titled as 'State Vs. Sunny etc.' bearing CIS No.9 of 2022-SC, the petitioner impersonated himself as one Mehma and stood a surety to accused Sanjay @ Dharmender. The matter came to light when the bail was cancelled and notice to surety was issued. On this complaint, FIR was registered.

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case and he has not committed any such alleged offence. He further submits that the petitioner has

2024:PHHC:141326



undergone an actual custody of 09 months and 08 days and is involved in one another criminal case, however, he is on bail.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was actively involved in the commission of the offence. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 09 months and 08 days and is involved in one another criminal case, however, he is on bail. He on instructions from the concerned investigating officer submits that charges were framed on 20.03.2024. He also submits that out of a total of 12 prosecution witnesses, none has been examined till date. He however, submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

5. Heard the rival submissions made by learned counsel for the parties.

6. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, charges have been framed on 20.03.2024. Out of a total of 12 prosecution witnesses, none prosecution witness has been examined and the conclusion of the trial will take a considerable time. The petitioner has undergone an actual custody of 09 months and 08 days and is involved in one another criminal case, however, he is on bail. Therefore, this Court is of the considered view that further incarceration of the petitioner will not serve any purpose.

7. Without commenting anything on the merits of the case, lest it

2024:PHHC:141326



ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (I) The petitioner will not tamper with the evidence during the trial.
- (II) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (IV) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (V) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

28.10.2024

Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No