



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

CRM-M-41511-2024

Date of Decision : **05.11.2024**

DHANANJAY PASWAN

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Pratham Sethi, Advocate,
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.18, dated 15.01.2024 under Sections 193, 199, 200, 420, 466, 468, 471 and 120-B of the IPC (Sections 467 and 201 IPC added later on), registered at Police Station Murthal, District Sonipat.

2. The instant FIR has been registered, on receipt of an order dated 06.01.2024, passed by the Additional Sessions Judge, Fast Track Court, Sonipat. In the instant matter, the birth certificate of one Neeraj Kumar, was placed before that Court, to get him declared as a juvenile. However, the said birth certificate was found to be forged, which led the latter to pass an order (*supra*), to register an FIR against those, whosoever, are involved in the preparation of such forged certificate.

During inquiry the present petitioner was found to be the person who alleged to have created the said forged birth certificate.

3. In asking for the relief (*supra*), learned counsel for the petitioner, submits that all the offences, under which the petitioner is facing trial, are triable by a court of learned Judicial Magistrate Ist Class concerned.

4. He further submits that the petitioner is a 60% disabled person, and the allegations, as alleged against the present petitioner are yet to be established by the prosecution by leading cogent evidence at an appropriate stage of the trial.

5. He also submits that till date, the charges have not been framed against the present petitioner, after submission of the final report, before the court concerned. Therefore, the conclusion of the trial would take a long time, and further incarceration of the present petitioner is not warranted.

6. On the other hand, learned State counsel vociferously opposed the asked for relief (*supra*), to the present petitioner, and has filed custody certificate *qua* the petitioner today in Court, which is taken on record. It reflects that the petitioner has suffered incarceration of 04 months and 20 days, as on today, and he is not involved in any other criminal case.

7. He further submits, on instructions imparted to him by the police official concerned, that final report has already been filed on dated 15.07.2024, whereas, charges are yet not framed. In the final report, the prosecution has cited total 32 witnesses.

8. This Court has heard the learned counsel for the parties concerned, and has gone through the entire case file, and is of the considered opinion that the instant petition is amenable for being allowed.

9. The reason for forming the above inference emanates from the factum that:- (i) the petitioner has suffered incarceration of 04 months and 20 days as on today, and he has clean antecedents; (ii) the final report under Section 173 Cr.P.C. has already been filed on dated 15.07.2024, however, charges are yet to be framed; (iii) all the offences under which the petitioner is facing trial are triable by a court of Judicial Magistrate Ist Class; (vi) conclusion of the trial would take long time; (v) no fruitful purpose would be served by keeping the petitioner behind the bars.

10. Considering the hereinabove made discussion, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

11. However, anything observed here-in-above shall have no effect on the merits of the trial, and is only meant for deciding the present petition.

12. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as are involved

herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court.

13. All pending application(s), if any, also stand **disposed** of accordingly.

November 05, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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