

2024:PHHC:117003



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-42956 of 2024
Date of decision: 06.09.2024

Ramesh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Parveen Kaushik, Advocate for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

MANJARI NEHRU KAUL, J (ORAL)

1. Petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) in case FIR No.63 dated 30.03.2024 under Sections 416,420,466,467,468,471,511,120-B IPC, registered at Police Station Panipat City, District Panipat.

2. Learned counsel for the petitioner submits that a perusal of the FIR annexed as Annexure P-1 reveals that the petitioner has not been named in the FIR and he came to be nominated as an accused only in the disclosure statement allegedly suffered by the co-accused. It has been further submitted that there are no allegations in the FIR against the petitioner of having forged any document, and further, total false allegations have been levelled against him of identifying a surety, who used a fake name 'Narinder' even though his name was Gaurav.

3. Learned counsel for the petitioner further submits that since challan

useful purpose as charges having been framed, coupled with the fact that as many as 10 witnesses have been cited by the prosecution.

4. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite has submitted that no doubt the petitioner was not named in the FIR in question, however, it surfaced during investigation that it was the petitioner, who identified the fake person, who stood surety in the court of Judicial Magistrate in a criminal complaint under Section 138 of the Negotiable Instruments Act. On a pointed query put to learned State counsel, the stage of the trial has not been disputed. On a further query put to him, learned State counsel, on instructions, submits that the petitioner is not involved in any other criminal case.

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

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner as there is no possibility of the trial concluding in the near future. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned.

7. 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.

September 06, 2024

manoj

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No