**CRM-M-45012-2024 (O&M)****290****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRM-M-45012-2024 (O&M)**
Date of Decision: 22.10.2024

Chanjeet Singh Gauba

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:-. Mr. Amit Jhanji, Sr. Advocate with
Ms., Kudrit Kaur Sara, Advocate,
Mr. Sehaj Bir Singh, Advocate and
Ms. Karishma, Advocate
for the petitioner.

Mr. Gaurav Bansal, DAG Haryana

KIRTI SINGH, J.(Oral)

The jurisdiction of this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No.126 dated 20.04.2020, under Sections 406, 420, 467, 468, 471, 120-B IPC registered at Police Station Kherki Daula, Gurugram.

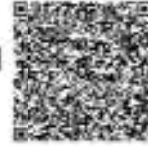
2. Succinct factual narrative relevant for the disposal of the instant petition is that the complainant along with his brothers and sisters, namely Surender, Jagat Singh, Bheem Singh (sons of Smt. Santra Devi) and Smt. Sheela Devi, Smt. Beena Devi (daughters of Smt. Santra Devi) are co-owners in joint possession of agricultural land comprised of Khewat no. 129, Khata Number 171,

Khasra number 29/2(0- 10-16) field 1 measuring 0 bigha 10 biswa 16 biswamsi

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salam situated within the revenue estate of village Sikohpur, Tehsil Masesar, District gurugram, which was inherited by the complainant alongwith his brothers and sisters from his mother Santra Devi vide mutation number 2914 dated 19.10.2004. The complaint reveals that one day the complainant went to the village to inspect the land and found out from the villagers that accused are planning to develop a township project in Manesar and had purchased several parcels of land. The complainant thereafter found out that accused has allegedly hatched a conspiracy against the complainant and prepared a forged collaboration agreement dated 19.04.2010. The complainant also found out that the accused also got a license bearing no. 62 of 2011 issued from DTP Chandigarh. After applying for the documents from the DTP office under RTI, the complainant allegedly uncovered the fraud played by the accused to apply for the license from the DTP office by using forged documents. In furtherance of FIR being registered, the petitioner was arrested on 15.05.2024 and has been in custody ever since.

3. Learned counsel for the petitioner *inter alia* submits that the petitioner was an employee of the Company from 01.12.2006 to 14.01.2011 (his resignation letter dated 20.12.2010 was accepted by the Company on 14.01.2011). It is further contended that the forged agreement dated 19.04.2010 was executed during petitioner's tenure and even if any document was forged, the possession of the land remained with the complainant and his family and no loss was caused to them. The FIR has been lodged after a delay of 10 years and only a copy of agreement in question was sent to FSL and not the original. Learned counsel further submits that in the present case challan was presented on 12.07.2024 and charges are yet to be framed and there are total 26 prosecution witnesses. The petitioner has been in

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custody for 05 months and 04 days and there is no other case registered against him.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. As per the custody certificate, the petitioner has undergone actual custody of 05 months and 04 days and there is no other case pending against him. Learned State counsel on instructions submits that the charges in the present case are yet to be framed and there are total 26 prosecution witnesses. He, however, submits that there are serious allegations against the petitioner and he is not entitled to the concession of regular bail.

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

6. Admittedly, the investigation of the case is complete and charges are yet to be framed and there are total 26 prosecution witness. The trial of the present case will not conclude anytime soon. The petitioner has undergone actual custody of 05 month and 04 days and there is no other case pending against him. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial, therefore, this Court is of the view that further incarceration of the petitioner would not serve any useful purpose.

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is 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.

(KIRTI SINGH)
JUDGE

22.10.2024
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No