



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

225

CRM-M-46188-2024

Date of decision: December 2nd, 2024

Gaurav Sharma

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Dr. Rishi Pal Singh, Advocate
for the petitioner.

Mr. Rahul Mohan, Senior Deputy Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of regular bail in
FIR No.63 dated 30.03.2024 under Sections 416, 420, 466, 467, 468,
471, 511, 120-B of the IPC registered at Police Station Panipat City.

2. Learned counsel for the petitioner submits that false and
fabricated allegations have been levelled against the petitioner of having
furnished fake surety before the trial Court. Learned counsel has
submitted that no doubt, the petitioner is involved in 16 other criminal
cases, however, all those cases were registered much prior in time to the
present case and the most recent criminal case registered against the
petitioner was six years back in the year 2018. It has been further
asserted by the learned counsel that since the entire case of the
prosecution hinges on documentary evidence, which is already in
possession of the investigating agency and is now part of the challan,
which already stands presented before the trial Court, his further

incarceration would serve no useful purpose, more so when charges are yet to be framed and as many as ten witnesses have been cited by the prosecution.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite has reiterated the allegations levelled in the FIR against the petitioner and has also placed on record the custody certificate of the petitioner. While drawing the attention of this Court to the custody certificate, it has been submitted by the learned State counsel that a perusal of the same reflects the previous criminal antecedents of the petitioner, although concededly the petitioner was involved in the other criminal cases much prior to the registration of the FIR in question. Learned State counsel, on instructions, has not disputed the custody period of the petitioner, who has now been in custody since 30.03.2024 nor has it been disputed that the case of the prosecution hinges on documentary evidence, which is part of the challan. It has been submitted that the next date fixed before the trial Court is 04.12.2024, when in all likelihood, charged would be framed against the petitioner.

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

5. The petitioner has been in custody since 30.03.2024; there can be no apprehension of the petitioner tampering with evidence as the case of the prosecution hinges on documentary evidence, which is already part of the challan.

6. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. 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.

7. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

December 2nd, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned

:

Yes

Whether reportable

:

No