



CRM-M-47473-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(239)

CRM-M-47473-2024
Date of Decision : 03.10.2024

Anil Kumar ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Pragyat Bhardwaj, Advocate
for the petitioner.

Mr. Abhinash Jain, DAG, Haryana.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, filed under Section 483 of BNSS, 2023, the petitioner prays for grant of regular bail in case FIR No.274 dated 24.05.2023 (Annexure P-1), under Sections 406 and 420 of the IPC, 1860 (Sections 467, 468, 471 and 120-B of the IPC, 1860 added later on), registered at Police Station Naraingarh, District Ambala, Haryana.
2. The allegation against the present petitioner is that he got sanctioned a loan from DCB Bank, by showing a vacant plot, as a constructed house. Subsequently, the person, who took the loan, committed default and did not pay the said loan amount. In the instant case, the complainant, was subsequently, also transposed as an accused.
3. Learned counsel for the petitioner, on asking for the relief of regular bail, submits that the petitioner is a first time offender, and has been falsely implicated in the instant case, and he has no connection whatsoever,



in the process of getting the loan, on a fake sale deed. He further submits that he is not even the beneficiary of the alleged loan amount. Finally, he submits that all the offences, in the instant case, are triable by the Judicial Magistrate, Ist Class, and the petitioner has suffered incarceration of about 02 months, as on date.

4. Learned counsel for the petitioner further submits that in the instant case, Ramsharan, the complainant, has fraudulently made all the documents in his name, and even signed the same, and also, fraudulently inserted the name of the mother of the petitioner, claiming it to be an undertaking by her. He further submits that the instant case has been registered almost after six years of the occurrence, which clearly cast a shadow of doubt on the motive of the complainant.

5. Learned State counsel has placed on record the custody certificate dated 02.10.2024, qua the petitioner, today in the Court. The same is taken on record, which reflects that the petitioner has suffered incarceration of 01 month and 26 days, as on today.

6. Learned State counsel on instructions imparted to him by ASI Mukesh Kumar, has opposed the grant of relief of regular bail to the petitioner, and submits that the petitioner along with the other co-accused, obtained loan from the bank, on the basis of forged documents. He further submits that the final report in the matter stands filed on 24.09.2024, and out of total 17 prosecution witnesses, none has been examined, as on date.

7. This Court, has heard the rival submission of the parties concerned, and is of the view that the instant petition is amenable to be allowed for the reasons hereinafter extracted :-



- (i) that the petitioner has suffered incarceration of about 02 months, as on date;*
- (ii) considering the fact that all the offence are triable by the Judicial Magistrate, Ist Class;*
- (iii) that out of total 17 prosecution witnesses, as cited by the prosecution, none has been examined, as on date;*

8. Keeping in view the facts and circumstances of the case, without observing anything on the merits of the case, this Court deems it fit and appropriate to enlarge the petitioner on regular bail, and therefore, further incarceration of the petitioner is not warranted, at this stage. Accordingly, the instant petition is **allowed**.

9. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/trial Court/Duty Magistrate, concerned.

10. However, anything observed hereinabove shall have no effect on the merits of the case and is meant for deciding the present petition only.

(KULDEEP TIWARI)
JUDGE

October 03, 2024
Manpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No