

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024.PHHC.140053



257

CRM-M-51740 of 2024 (O&M)

Date of decision:24th October, 2024

Rishi Pal

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present: Mr. A.K. Malik, Advocate for petitioner.

Mr. Yuvraj Shandilya, Assistant Advocate General, Haryana.

MANJARI NEHRU KAUL, J (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No. 32 dated 17.01.2022, under Sections 201, 419, 420, 467, 468, 120-B IPC, registered at Police Station Civil Lines Hisar, District Hisar.
2. Learned counsel for the petitioner submits that the false implication of the petitioner in the present case is evident from the fact that neither was he named in the FIR in question nor any suspicion was raised qua his involvement in the crime. The petitioner came to be nominated in the disclosure statement allegedly suffered by the co-accused Hari Ram who stated that it was the petitioner who had impersonated the surety and the identifier leading to the submission of fake sureties qua some accused who are facing trial before trial Court and were to be released on bail.
3. Learned counsel submits that as on date only seven witnesses out of thirteen cited have been examined, hence, the trial would take considerable time to conclude and a prayer has therefore been made for extending the concession of bail to the petitioner.

4. Learned State counsel while opposing the prayer and submissions made by the learned counsel opposite has reiterated the allegations levelled in the FIR which is reproduced herein below:

“It is brought to your notice that in the above cited case, accused Frank Joseph was admitted to bail vide order dated 16.07.2021. However, on 20.08.2021 he absented, therefore, his bail was cancelled and warrants of arrest were issued against him. The surety bonds were also cancelled and forfeited to the state and notices to the sureties and their identifier were issued. Pursuant to the notice, sureties Pala Ram, Raj Kumar and identifies Jai Bhagwan appeared before the Court on 11.10.2021, 08.11.2021 and stated that they never appeared as sureties/identifier in this case. However, the identification documents of the sureties and the identifier are available on file. It seems that some other persons have impersonated the sureties and the identifier on the basis of fake documents. You are, therefore, requested to get the matter investigated to bring the culprits to the books and submit your report on or before 28.01.2022 the date fixed in this case.”

5. It has also been submitted that the petitioner is involved in two criminal cases including one case of identical nature.

6. Learned State counsel, however, on instructions has not disputed the custody period of the petitioner as well as the stage of trial.

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

8. The petitioner has been in custody since 27.7.2022 in a Magisterial trial; further incarceration of petitioner would not suffer any useful purpose as trial would still take some time to conclude.

9. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

10. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds 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.

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

24th October, 2024
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(MANJARI NEHRU KAUL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>