

210-1

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-55009 of 2023
Date of decision:- 09.02.2024

MIRAJ HUSSAIN

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Ram Pal Verma, Advocate
for the petitioner.

Mr. Vishal Malik, DAG, Haryana.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular in the following case:-

FIR No.	Dated	Sections	Police Station
142	06.06.2023	420, 467, 468, 471,120-B IPC	DLF Phase-1, Gurugram

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that petitioner is not named in the FIR but was nominated on the basis of disclosure statement made by co-accused Mohammad Arif and has no concern with the alleged transactions. He submits that petitioner is in

custody since 10.06.2023 and the challan has already been presented in Court, as such he is not required for further investigation. He submits that petitioner is not having any criminal antecedents and is languishing in jail, as such he prays for grant of concession of bail to the petitioner.

3. Per contra, learned counsel for the State has not disputed the factual matrix, however prayed for dismissal of the petition on the ground of considering the nature and gravity of offence. He admitted the fact that challan has already been presented in Court and out of 21 witnesses cited by the prosecution 3 witnesses have been examined by the prosecution till date.

4. After considering the rival contentions and perusing the record, it transpires that FIR was registered on the complaint of one Hemant Sharma that he had received information on 06.06.2023 that the petitioner used to prepare Aadhar Card on forged documents. On the basis of the statement, raid was conducted and co-accused Mohammad Arif was apprehended and he has disclosed that his friend Miraj Hussain (petitioner) used to bring customers to him for preparing forged documents. The petitioner was arrested on 10.06.2023, after completion of investigation challan has been presented in Court and out 21 witnesses cited by the prosecution only 3 witnesses have been examined so far. It is a matter of evidence to be decided by the trial court as to whether the offences brought by the prosecution leads to affixing any criminal liability upon the petitioner or not which will take sufficient long time in the present case triable by the Court of Magistrate and there being no criminal antecedents of the petitioner, no useful purpose would be served by keeping the petitioner behind bars any longer.

5. Resultantly, without commenting on the merits of the case, it

is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

09.02.2024

Gyan

- i) Whether speaking/reasoned?
- ii) Whether reportable?

Yes/No
Yes/No