



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

**CRM-M-55921-2023 (O&M)
Date of decision: 07.05.2024**

Surya Dev

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rohit Kataria, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail pending trial to the petitioner in FIR No.86 dated 20.02.2023, under Sections 406 & 420 of the Indian Penal Code, 1860, registered at Police Station Sector 27, District Sonipat.

(2) Above FIR was registered on the basis of complaint made by Assistant Manager, Indusind Bank with the allegations that petitioner, along with other co-accused, obtained loan on four vehicles by submitting forged documents, Identity Card, KYC of 3rd person and Govt. Identity Card, thereby committed fraud of Rs.31,90,000/- with the Bank.

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(3) This Court, on 29.01.2024, granted interim bail to the petitioner in following manner:-

“Contends that petitioner is in custody since 21.08.2023. After investigation, report under Section 173 Cr.P.C. was submitted before the Court of competent jurisdiction on 09.11.2023; but charges are yet to be considered. Also contends that there is no other criminal case pending against the petitioner.

Learned State counsel seeks time to verify the above factual position.

Posted for 19.03.2024.

In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

(4) Learned Counsel for the petitioner contends that in compliance of aforesaid order, petitioner is regularly appearing before learned trial Court and there is no apprehension or allegation that he is likely to misuse the concession of bail in any manner.

(5) Learned State Counsel, on instructions, has acknowledged the above factual position.

(6) Heard learned Counsel for the parties and perused the paper-book.

(7) It is not in dispute that petitioner was granted interim bail and he is regularly appearing before learned trial Court. There is no allegation that in case he is granted bail pending trial, he will misuse the concession in any

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manner; thus, in such a scenario, sending him in custody at this stage would not serve any purpose.

(8) Consequently, the present petition is allowed. Interim bail granted to the petitioner, vide order dated 29.01.2024, is made absolute. He shall be admitted to bail on his furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(9) Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.

(10) The above observations may not be construed as an expression of opinion on the merits of the case.

(11) It is clarified that in case there is any misuse of concession of bail on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.

(12) Disposed off accordingly.

(13) Pending application(s), if any, shall also stand disposed off.

7th May, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No