



CRM-M-56038-2024(O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-56038-2024 (O&M)

Date of decision: 20th November, 2024

Rajesh Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Kapil Kumar, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of regular bail in case bearing FIR No. 179 dated 01.07.2023 registered under Sections 420, 467, 468, 471 and 120-B of IPC, 1860 at Police Station City Pehowa, District Kurukshetra.

2. As per the prosecution case, a complaint was received from the office of Joint Sub-Registrar Pehowa alleging therein that one Smt. Simla Devi had filed an application before him alleging therein that accused Krishan Chand who was her son, had got executed a family transfer deed thereby transferring the property owned by her in his own name, by impersonating her by producing some other unknown female. It was also informed that on the complaint of Smt. Simla Devi, the said transfer deed



executed in favour of accused Krishan Chand had been cancelled. A case was registered. After registration of FIR, investigation proceedings were initiated. During investigation, it was revealed that the petitioner in connivance with the co-accused had identified the lady who had impersonated Smt. Simla Devi, to cause wrongful loss to her and for wrongful gain by the co-accused. The petitioner was nominated as an accused. He was arrested on 12.12.2023.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. He is in custody since 12.12.2023. Trial is likely to take time. His custodial interrogation is no more required. He is not the beneficiary of the transfer deed. The subject offences are triable by Magistrate. Therefore, it is argued that he deserves to be released on bail.

4. It is argued by learned State counsel that there are serious allegations against the petitioner. He is a habitual offender as he has been booked for commission of similar offences in another case bearing FIR No. 103 dated 04.05.2023 registered at Police Station City, Pehowa. There are chances of his committing similar offences or intimidating the witnesses, if extended benefit of bail. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner is in custody since 12.12.2023. Trial is likely to



take time. The offences for which he has been charge sheeted are triable by Magistrate. The case is based on documentary evidence and there are no chances of the petitioner’s tampering with the same. There is no basis for the contention that he may commit similar offences again. The case bearing FIR No. 103 registered against the petitioner is with regard to the complaint filed by Smt. Simla Devi herself. The petitioner has been extended benefit of bail in that case. Keeping in view the facts and circumstances enumerated above, but without meaning to make any comment on the merits thereof, this Court is of the opinion that further incarceration of the petitioner is not going to serve any useful purpose. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

20th November, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |