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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 62055 of 2023 (O&M)
Date of Decision: 07.02.2024

ATUL PATHAK

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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

Present:- Mr. Gaurav Verma, Advocate for the petitioner.
Mr. Vishal Malik, DAG, Haryana.

SANJIV BERRY, J.

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
0207	20.04.2023	193, 199,200,420,466, 468, 471 and 120-B IPC	Kharkhoda, District Sonipat.

2. It is *inter alia* contended by the learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case and has no concern with the offence. He submits that the role attributed to the petitioner is that he had prepared the birth certificate from his computer and gave to the co-accused for ₹200/-. He submits that

petitioner is in custody since 06.08.2023 and submits that the conclusion of trial in the present case triable by the Court of Magistrate may take sufficient long time, as such he prays for grant of concession of bail.

3. *Per contra* learned State counsel has opposed the bail application by submitting that the role attributed to the petitioner is that on the asking of the co-accused he had prepared the certificate from his computer for ₹200/- which co-accused produced in Court for procuring relief for his brother, who is also co-accused. He submits that petitioner has been nominated on the disclosure statement made by co-accused Avnish. He further submits that 18 witnesses have been cited by the prosecution and out of them only 1 witness has been examined till date.

4. After considering the rival contentions and perusing the record, it transpires that petitioner is not having any criminal antecedents and as per the case of the prosecution he prepared the certificate on his computer for ₹200/- on the asking of co-accused Avnish. The challan has already been presented in Court, charges have been framed and out of 18 witnesses cited by the prosecution only 1 witness has been examined till date. The petitioner is in custody since 06.08.2023 and the conclusion of trial in the present case triable by the Court of Magistrate will take sufficient long time to ascertain criminal liability, if any, of the petitioner, no purpose would be served by detaining the petitioner in custody any longer.

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

07.02.2024
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No