

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

CRM-M-2300-2025

Date of Decision: 17.02.2025

Nasir Hussain

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Akshay Bhan, Senior Advocate with
 Mr. H.P.S. Sandhu, Advocate
 Mr. Santosh Sharma, Advocate,
 Mr. Sahil Mehndiratta, Advocate
 for the petitioner.

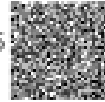
Mr. Gurmeet Singh, AAG, Haryana.

Mr. Vipul Sachdeva, Advocate for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.363 dated 24.07.2023 registered under Sections 120-B, 406, 420, 467, 468, 471 of IPC (Section 201 of IPC added later on), at Police Station City Sohana, District Gurugram.

2. Learned Senior counsel for the petitioner contends that there were certain financial transactions between both the parties and the case is based on documentary evidence. He further contends that the documentary evidence has already been collected by the police, during the course of investigation and after completion of investigation, the final report under



Section 173 Cr.P.C. has already been presented before the competent Court of law. He further contends that the petitioner was working as a Clerk with an Advocate at Sohna and had only assisted the parties in completing their documents and was not beneficiary of any of transactions between the parties. Learned Senior counsel further submits that the co-accused, Balwan Singh has been granted the concession of regular bail by this Court vide order dated 27.02.2024 (Annexure P-2/A), whereas, Sushil Kumar, co-accused has been granted the concession of anticipatory bail by this Court. The petitioner is in custody since 24.11.2024 and all the offences are triable by the Court of Magistrate. Thus, further custody of the petitioner will not serve any meaningful purpose.

3. On the other hand, status report by way of an affidavit of Assistant Commissioner of Police, EOW I and II, Gurugram has been filed by learned State counsel in Court today and the same is taken on record. Learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned Senior counsel for the petitioner on the ground that the petitioner is involved in a serious crime. Learned counsel for the complainant further submits that the petitioner helped the accused in forging the Collaboration Agreement or notice for cancellation of GPA and the resolution. However, it is not in dispute that the documents pertaining to the present case have already been collected by the police, during the course of investigation.

4. I have heard the learned counsel for the parties and perused the record.

5. The petitioner is stated to be in custody since 24.11.2024 and after completion of investigation, challan has already been presented before the Competent Court of law. Moreover, Balwan Singh, co-accused has been granted the concession of regular bail whereas Sushil Kumar, co-accused has been granted the concession of anticipatory bail by this Court and the case of the petitioner is on better footing than them. Since, no witness has been examined so far, there are no chances of early conclusion of the trial.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

17.02.2025
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(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No