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

CRM-M-10870-2025

Date of Decision:07.05.2025

Pawan Kumar

...Petitioner

vs.

State of Haryana

...Respondent

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

Present : Mr. Mukesh Yadav, Advocate with
Mr. Aman Arora, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

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 in case FIR No.84 dated 01.04.2024 registered under Sections 420, 409, 467, 468, 471, 120-B of IPC, at Police Station City, Nuh.

2. The FIR in the present case was registered on the basis of the statement made by Jawahar Lal son of Deep Narayan and the same has been reproduced below:-

*“To, the Suprintendent of Police. Subject Complaint against
1. Sh Pawan Kumar Kalra son of Late Sh Hukam Chand, caste Punjabi, resident of Ward No.13 Near Old Gurdwara Nuh, 2. Sunil Kumar son of Parkash son of Raghuvir Prajapati, resident of Ward No 8, near Bhuteshwar Mandir Nuh 3. Concerned employee of Post office, City, Nuh for withdrawing crores of rupees deposited by the residents of Nuh City in Post office and Life Insurance Corporation of India by putting their forged signatures. Sir, requested that we complainants are residents of City Nuh. Accused*

No.1-Pawan Kalra was old agent of Post office Nuh and Life Insurance Corporation of India 2. That Pawan Kalra is permanent resident of Nuh and thus residents of city had full faith on him and had opened accounts at Post office and LIC through him in thousands, in which sufficient amounts were deposited. Accused No.2.-Sunil Kumar used to collect money from some people. That few days ago we came to know that Pawan in connivance with accused No.3 Post office employee has withdrawn crores of rupees from the accounts of account holders by doing their forged signatures and without their consent and knowledge and has misappropriated the amount. He collected installments from some account but did not deposit money in their accounts and has also given fake pass books of post office to some account holders. After doing checking from post office it came to fore that he has got printed these fake passbooks at his own level. Sir, with these acts of corruption residents of City Nuh have suffered irreparable loss of crores of rupees. It is therefore requested that legal action be taken against all the aforementioned accused person and immovable and movable property of the accused Pawan Kumar and his family members be attached and they be restrained from selling their property and full amount of account holders be recovered and returned to them. We shall be thankful. Date 30.03.2024. Complainant:-Jawahar lal s/o Deep Narayan Block No. 450, H.No. 6, Nuh, Mob- 89307-19999.”

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case as the signatures of the petitioner did not match with the alleged withdrawal forms. He further contends that the petitioner was wrongly arrested in the present case on 10.04.2024 and after completion of investigation, the final report under Section 173 Cr.P.C. has already been presented before the competent Court. Learned counsel further

submits that four more FIRs were also ordered to be registered against the petitioner on similar allegations, however, the petitioner has filed a petition bearing Number CRM-M-33323-2024 before this Court for clubbing of the FIRs against him. Even the prosecution has been able to examine only 01 witness, out of total 28 witnesses so far and the conclusion of the trial may take quite a long time.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that four more FIRs have been ordered to be registered against the petitioner and being a habitual offender, he is not entitled to be released on bail by this Court. Even, he has cheated several innocent investors to the tune of lacs of rupees in the present case.

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

6. In the present case, even though serious allegations have been levelled against the petitioner, however, the petitioner is in custody for the last more than 01 year and 01 months. The prosecution has been able to examine only 01 witness, out of total 28 witnesses, so far. Thus, there is no likelihood to early conclusion of the trial.

7. 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, subject to the following conditions:-

- (i) *The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*
- (ii) *The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) *The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) *The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
- (v) *The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
- (vi) *In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*
- (vii) *The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*

07.05.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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