



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

228

CRM-M-56477-2024

Date of decision: 07.01.2025

Mahant Balwant Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Bipan Ghai, Sr. Advocate with
Mr. Nikhil Ghai, Advocate,
Mr. Nikhil Thamman, Advocate and
Mr. Joban Singh Dhaliwal, Advocate
for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana.

Mr. P.S. Ahluwalia, Advocate and
Mr. Kushagra Beniwal, Advocate
for the complainant.

MANJARI NEHRU KAUL, J.

1. The instant petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case FIR No.527 dated 12.06.2019 under Sections 120-B, 406, 420, 467, 468 and 471 of the IPC registered at Police Station City Thanesar, Kurukshetra, District Kurukshetra.

2. The allegations in the FIR in question pertain to tampering with records, forging resolutions, and embezzling funds relating to Panchayati Akhara Nirmala, Haridwar.

3. Learned senior counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. The FIR has

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been registered to facilitate a hostile take over of the management of Panchayati Akhara Nirmala and no offence, cognizable or otherwise, is made out against the petitioner. It has been further submitted that earlier a cancellation report filed by the investigating agency concluded that the petitioner was merely a signatory to the resolution dated 21.08.2005 and had no role in the execution of sale deeds or any financial transactions. The sale deeds in question were allegedly executed by co-accused Mahant Mitter Parkash, who had purchased 23 acres of land on behalf of the Society. It has been asserted that even as per the case of the prosecution all the allegations of forgery had been levelled against co-accused Mahant Mitter Parkash. It has been further asserted that during the investigation, the police reviewed the financial records of the Akhara from 2007 to 2019, scrutinized 65 sale deeds, and recorded statements of multiple witnesses. None of these reveal any misappropriation or personal gain attributable to the petitioner. Learned senior counsel has lastly urged that since the case is primarily based on documentary evidence which is already part of the challan which has been presented before the learned Trial Court, further incarceration of the petitioner would serve no useful purpose as he has now been in custody from 25.09.2024 coupled with the fact that as many as 67 prosecution witnesses have been cited which leave no manner of doubt that the trial is likely to be protracted. Hence, a prayer has been made for accepting the prayer of the petitioner.

4. Per contra, learned State counsel assisted by learned counsel for the complainant, while opposing the prayer and

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submissions made by learned senior counsel for the petitioner, has submitted that the petitioner, in collusion with co-accused, abused his position as an Executive Member of the Committee to fraudulently forge a resolution dated 21.08.2005 and to sell approximately 05 acres of land without any genuine necessity. The properties were sold at undervalued prices, even below the collector rates, while higher amounts were received by the petitioner and the co-accused. The differential sums were misappropriated by the petitioner and others causing substantial financial loss to the Akhara. It has also been asserted by the learned counsel for the complainant that no doubt the challan stands presented and the case of the prosecution is based primarily on documentary evidence, however, since the petitioner is an influential person, his release on bail may adversely affect the proceedings before the learned Trial Court.

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

6. The petitioner has been in custody since 25.09.2024. As acknowledged by the learned State counsel on instructions, the investigation in the present case is complete and the challan has already been filed. The case rests entirely on documentary evidence, and the risk of the petitioner tampering with the evidence appears minimal at this stage.

7. Furthermore, the cancellation report previously filed by the investigating agency concluded that the involvement of the petitioner was limited to being a signatory and that he derived no financial

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benefit. Still further, as many as 67 prosecution witnesses have been cited and the trial, therefore, is expected to be prolonged. Detaining the petitioner for an indefinite period, particularly in a case triable by Magistrate and resting on documentary evidence, would serve no useful purpose. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

8. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

07.01.2025

Vinay

**(MANJARI NEHRU KAUL)
JUDGE**

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