

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No. M-27251 of 2016

Date of Decision: 12.08.2016

Bakshish Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Harkeerat Singh, Advocate
for the petitioner.

Mr. Sultan Singh Gill, DAG, Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.77 dated 10.6.2016 under Sections 419, 420, 467, 468, 471, 120-B IPC registered at Police Station Kharar, District SAS Nagar.

Learned counsel for the petitioner contends that the allegation against the petitioner is that he appeared in the examination on the asking of co-accused namely Sukha and has impersonated the candidate namely Siri Chand. He has given reference of the case of a similarly placed Kapil Kumar, who was an accused in FIR No.0083 dated 15.6.2016 under Sections 419, 420, 467, 468, 471 and 120-B IPC Police Station Sadar,

Kharar and the allegation against him was that he had appeared in typing test in place of his brother and has been admitted on regular by the Sessions Court. He further submits that there is neither any allegation of having any consideration nor any other case is pending against the petitioner and he is in custody since 10.6.2016.

Learned State counsel, on instructions from ASI Sukhminder Singh, though does not dispute the fact that Kapil Kumar, who is an accused in FIR No.0083 dated 15.6.2016 under Sections 419, 420, 467, 468, 471 and 120-B IPC Police Station Sadar, Kharar was admitted on regular bail by learned Additional Sessions Judge, SAS Nagar, Mohali vide order dated 20.7.2016, however, he states that the petitioner has impersonated one Siri Chand and has appeared on his behalf in the examination of Clerk/Data Entry Operator and therefore, he is not entitled for grant regular bail.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 10.6.2016 and the trial will take long time and no useful purpose will be served by detaining him behind bars, as challan has not yet been submitted, coupled with the fact that similarly placed accused has been admitted on regular bail by learned Additional Sessions Judge, Mohali, the present petition is allowed. Accordingly, the petitioner is admitted on regular bail subject to furnishing of his bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, SAS Nagar Mohali.

It is made clear that the petitioner shall not hamper the investigation or influence the witnesses, in any manner, and in case it is

found that he is doing so, the prosecution will be at liberty to seek cancellation of his bail.

Needless to say that the expression made hereinabove shall not be construed as any opinion on the merits of the case.

August 12, 2016
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No