

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-1155 of 2017

Date of decision : February 23, 2017

Gurjant Singh @ Janta

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Ashish Aggarwal, Advocate, for the petitioner
Mr. Gurinderjit Singh, DAG, Punjab for the respondent with
ASI Paramjit Singh

Fateh Deep Singh, J. (Oral)

The allegations against petitioner Gurjant Singh @ Janta in this anticipatory bail under section 438 Cr.P.C. are that while facing case bearing FIR No. 17 dated 18.5.2016 under section 21 of the NDPS Act registered with Police Station Sarai Amanat Khan, District Tarn Taran and to facilitate his regular bail by the court of learned Additional Sessions Judge, the petitioner with his co-accused non-applicants had managed to prepare forged records of immovable properties and furnished the same leading to release of the petitioner.

Learned counsel for the petitioner submits that by virtue of the documents having been used proceedings under sections 195/340 Cr.P.C. can be initiated and FIR cannot be got registered and thus, a debatable issue having arisen. The petitioner as has been conceded at the bar by learned State counsel at the relevant time was in judicial custody and thus element of

criminal conspiracy is missing could not be controverted by the learned State counsel who with all fairness concedes that section 120-B IPC has never been applied in this case.

In the light of the fact that nothing is to be recovered and the alleged documents are already available in the records of the court, no useful purpose will be served by sending the petitioner in custody.

In view of the aforesaid, the present petition is allowed. In the event of arrest, the petitioner shall be released on bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

It would be not out of place to record that concerned court shall also look into the aspect in the light of the provisions enshrined in sections 195/340 Cr.P.C. as well.

February 23, 2017
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No