

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

CRM-M No.39727 of 2016 (O&M)

Date of decision: 25th April, 2017

Gulzar Masih

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. K.S. Kahlon, Advocate for the petitioner.

Mr. Rupam Aggarwal, Dy. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J.

Sh.H.P.S. Mahal, District and Sessions Judge, Gurdaspur and
Sh.G.S. Sekhon, Sub Divisional Judicial Magistrate, Batala have come
present and have apologized for the lapse that has occurred. In view
thereof, no further action is required. The officers are discharged from
their personal appearance before this Court.

Allegations against the petitioner Gulzar Masih in this
anticipatory bail application filed under Section 438 Cr.P.C. are that the
petitioner has impersonated as Harbans Singh and stood as surety
tendering bail bonds on behalf of one accused Baljinder Singh leading to
registration of the present case.

Contentions of learned counsel for the petitioner Mr. K.S.
Kahlon, Advocate inter-alia are that it was by a pure inadvertent bona

fide mistake, clerk of the Advocate engaged by the accused had wrongly affixed photograph of the petitioner in place of Harbans Singh on the bail bonds and that nothing is to be recovered from the petitioner.

Learned State counsel has vehemently opposed grant of bail to the petitioner on the grounds that such like offences have attained notoriety and it was in the Court of law the petitioner has sought to not only impersonate but has also been instrumental in misrepresenting and trying to cheat the Court through such a sacrosanct process, and thus, his custodial interrogation is required.

Going through the arguments of the two sides, it is not a simplicitor case as is sought to be projected by learned counsel for the petitioner Mr. K.S. Kahlon, Advocate and rather reflects that the petitioner by his conduct has not only tried to impersonate before a Court of law as Harbans Singh but in the process could have, had the criminal act not detected by the Court at that time, robbed another innocent Harbans Singh by his such illegal conduct of impersonation. Keeping in view seriousness of the allegations and heinousness of the offence and that as has been contended by learned State counsel custodial interrogation of the petitioner is very much essential as such like crimes needs to be put to an end, as they have their own ramifications on the very administration of justice together with the fact that provisions of Section 438 Cr.P.C. are to be sparingly used, impels this Court to decline

bail to the petitioner. In view thereof, finding no merit the instant petition stands dismissed.

Police records be returned in a sealed cover.

(FATEH DEEP SINGH)
JUDGE

April 25, 2017
rps

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