

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

Crl. Misc. No.M-26207 of 2018 (O&M)

Date of Decision: August 07, 2018

Gurbachan Singh

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. G.S. Pannu, Advocate
for the petitioner (s).

Mr. Ramandeep S. Sandhu, Sr. DAG Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.348 dated 26.09.2017 registered for the offences punishable under Sections 419, 420, 465, 467, 468, 471 read with Section 120-B of Indian Penal Code, at Police Station Focal Point, Ludhiana.

Heard.

Learned State counsel on instructions from ASI Harjit Singh submits that petitioner as Lamberdar of village Dhandari Kalan, identified a person as Bihari Lal while attesting his Will dated 18.11.2016. In fact, Bihari Lal had died in the year 2002 and some person impersonated in his place. Petitioner had earlier also identified wrong persons and 3 separate

FIRs have also been registered against him which show that petitioner is

habitual of identifying impersonators as real persons to deceive the authorities as well as real beneficiaries.

Learned counsel for the petitioner submits that Dhandhari Klan is a big village and petitioner had identified the person as Bihari Lal on seeing his voter card. He is not a party to the fabricating of voter card and in other three cases, he is on bail. In this case, he was arrested on 26.04.2018 and is in custody since then. Challan has already been presented and trial will take considerably long time.

Keeping in view the plea of the petitioner that he had identified Bihari Lal on seeing his voter card that may be raised in defence and that the conclusion of trial will take considerably long time, but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner Gurbachan Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- a. The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- c. He shall not leave the country without prior permission of the Court.
- d. Till the disposal of this criminal case, petitioner will not be allowed to identify any person before the Sub Registrar in his capacity as Lamberdar.

Copy of this order be conveyed to Deputy Commissioner,
Ludhiana, for necessary action.

August 07, 2018
Sachin M.

(SURINDER GUPTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>