

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

CRM-M No.43317 of 2019 (O&M)
DATE OF DECISION : 2nd DECEMBER, 2019

Swaran Kaur & another

.... Petitioners

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Prashant Vashisth, Advocate for the petitioners.

Mrs. Amarjit Kaur Khurana, DAG, Punjab.

* * * *

RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioners under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.170 dated 11.06.2019 registered under Sections 177, 199, 200, 419, 420, 465, 467, 468, 471 & 120-B IPC at Police Station Division No.5, District Ludhiana.

It is contended by counsel for the petitioners that the allegation against the petitioners is only that the petitioners identified the surety Nirbhai Singh before the Court. However, later on, it was found that Nirbhai Singh was, in fact, Mandeep Singh and he was impersonating as Nirbhai Singh. It is further submitted by counsel for the petitioners that the petitioners had not deliberately done this identification. They were requested by their niece to identify the said surety. The surety was even having Aadhar card. Therefore, the petitioners, in good faith, identified the surety as Nirbhai Singh. For this alleged default, the petitioners are in custody since 11.06.2019. There is

no other case against the petitioners. The challan has already been filed. Therefore, the petitioners are not required for investigation purpose. Still further it is submitted that the concession of bail has been granted to the co-accused by this court today itself in connected case. Hence, the petitioners deserve to be released on bail pending trial.

On the other hand, learned counsel for the State, on instructions submits that the petitioners committed heinous crime of making misrepresentation before the Court of law. However, it is not disputed that the petitioners are in custody since 11.06.2019 and that there is no other case against the petitioners.

In view of the above, but without commenting upon merits of the case, the present petition is allowed. It is ordered that the petitioners be released on bail on their furnishing bail bonds/sureties to the satisfaction of the trial Court/Duty Magistrate.

2nd DECEMBER, 2019
'raj'

(RAJBIR SEHRAWAT)
JUDGE

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