

S.No.123

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

CRM-M-18349 of 2020 (O&M)

Date of Decision:13.07.2020

Gagandeep Singh @ Amir Khan

.....Petitioner

Vs.

State of Punjab

.....Respondent

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IN VIRTUAL COURT

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CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Lakhwinder Singh Mann, Advocate for the petitioner.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.208 dated 16.10.2019 registered under Sections 420, 467, 468, 471, 120-B IPC at Police Station City Jagraon, District Ludhiana.

It is contended by counsel for the petitioner that the case against the petitioner is without any basis. Undisputedly, on the date of occurrence, the petitioner was in custody in connection with some other case. Karam Singh furnished surety for bail of the petitioner, however, he changed his name while furnishing the sureties. On verification, this fact came out that the said surety was furnishing the sureties by changing the name because he already stood surety for some other person. However, the fact remains that those sureties furnished by Karam Singh were never accepted. Hence, the petitioner continued to remain in custody. In view of the above situations, if at all, there is any offence, that is committed by the co-accused Karam Singh alias Gurmail Singh. The petitioner is not connected with the same at all.

Notice of motion.

Mr. Randhir Singh Thind, DAG, Punjab, accepts notice on behalf of the State.

Learned State Counsel, on instructions from ASI Darshan Singh, has submitted that it was for petitioner only that Karam Singh alias Gurmail Singh was furnishing the sureties. Therefore, the conspiracy of the petitioner cannot be ruled out. However, it is not disputed that the petitioner was in custody at the relevant time and he could not have participated in creation or furnishing of any false document directly.

In view of the above submissions, but without commenting upon merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail. Therefore, it is directed that in case of his arrest, the petitioner shall be released on bail subject to his furnishing bail bonds/ surety bonds to the satisfaction of Arresting/ Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

July 13, 2020
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No