

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

CRM-M-19568 of 2020 (O&M)

Date of Decision: 11.11.2020

AMARDEEP SINGH

.....Petitioner

V/s.

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. I.S. Saggu, Advocate,
for the petitioner.

Mr. Saurav Khurana, Deputy Advocate General, Punjab.

SUVIR SEHGAL, J. (Oral)

The hearing of the petition has been taken up through video conferencing on account of outbreak of Corona Virus (COVID-19) pandemic.

Through the instant petition filed under Section 439 of the Code of Criminal Procedure, 1973, the petitioner is seeking bail during the pendency of trial in case FIR No.48 dated 05.02.2020 registered under Sections 420, 467, 468 and 471 and 120-B of the Indian Penal Code, 1860 at Police Station Civil Lines, Amritsar (Annexure P-1).

As per the version of the prosecution, co-accused, Amarjit Singh @ Bittu was granted relief of regular bail by this Court in FIR No. 242/12 registered under Sections 302, 120-B and 34 of the Indian Penal Code, 1860 registered at Police Station, Jandiala, Amritsar (Rural). The allegation against the petitioner is that he impersonated as Jasbir Singh, Namberdar and tried to stand as attesting witness in favour of co-accused Rajinder Singh @ Goldy who impersonated as Lakhwinder Singh for furnishing fake and forged surety bonds in favour of co-accused Amarjit Singh @ Bittu before the Court of the

Judicial Magistrate Ist Class (Duty), Amritsar. FIR was registered on the basis of the complaint given by the Court official. The petitioner was arrested on 11.02.2020.

Learned counsel for the petitioner has urged that a false case has been framed against the petitioner as he was neither named in the FIR nor was he apprehended at the spot. Counsel argues that the sole allegation against the petitioner is that his photograph was found affixed on the Adhaar Card of Jasbir Singh, Namberdar and the co-accused Rajinder Singh had made a statement against him. Counsel submits that keeping in view the period of custody and the stage of the trial, the petitioner deserves to be enlarged on bail.

Per contra, learned counsel for the State, upon instructions from ASI Hira Singh, submits that the allegations against the petitioner are serious in nature. He has made a reference to the statement of the co-accused Rajinder Singh (Annexure R-1) as well as the statement of father of the petitioner (Annexure R-2) and submits that the involvement of the petitioner in the crime stands established. He submits that the father of the petitioner has identified the photograph of the petitioner on the fake Adhaar Card of Jasbir Singh, Namberdar. He has instructions to state that the signatures of the petitioner are being sent to the Forensic Science Laboratory (FSL) for comparison with the signatures of Jasbir Singh. According to the State counsel, the challan was submitted on 04.05.2020 and the charges are yet to be framed.

I have considered the rival contentions of the parties.

The perusal of the disclosure statement of co-accused, Rajinder Singh shows that he in connivance with the present petitioner attempted to

furnish false and forged documents by way of surety in order to get the co-accused Amarjit Singh released on bail in pursuance to the orders passed by this Court. Co-accused Rajinder Singh has specifically admitted that he received monetary consideration for impersonation. It has further come on record that co-accused Rajinder Singh was being questioned by the Court staff regarding his identity, when the petitioner who was accompanying him, managed to escape. Subsequently, the father of the petitioner, Darshan Singh, identified the photograph of the petitioner on the fake Adhaar Card. It is, therefore probable that the petitioner tried to play fraud with the Court and forged a document in order to facilitate the release of the co-accused. Not only this, even the antecedents of the petitioner are not unblemished as he is involved in other case i.e. FIR No.138 dated 28.05.2019 registered under Sections 379 and 411 of the IPC, 1860 at PS Division No. 8 Jalandhar, though he is on bail.

In the backdrop of the facts and circumstances noticed above, the nature of allegations and the gravity of the offence, this Court is of the view that the benefit of regular bail cannot be extended to the petitioner more particularly at a time when the trial is yet to commence.

Petition is, accordingly, dismissed.

It is clarified that any observation made hereinabove shall not be construed to be an expression on the merits of the case.

November 11, 2020

Ess Kay

**[SUVIR SEHGAL]
JUDGE**

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>
<i>Whether Reportable</i>	:	<i>Yes</i>