

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

CRM-M-36723 of 2021

DATE OF DECISION :- November 29, 2021

Rajwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. PPS Duggal, Advocate
and Mr. Nirmal Singh Kandhola, Advocate for the petitioner.

Mr. Devinder Bir Singh, DAG, Punjab.

This second petition for regular bail has been filed by petitioner Rajwinder Singh, aged 40 years, son of Amar Singh, resident of village Garhi, Tehsil Chamkaur Sahib, District Rup Nagar in a case F.I.R. No. 85 dated 19.3.2020 under Sections 465, 467, 468, 471, 120-B IPC registered with Police Station Sohana, S.A.S. Nagar, Mohali.

Briefly stated the facts of the case as per prosecution story are that F.I.R in question was registered on the basis of written complaint sent by Sh. Rajnish Garg, Additional Sessions Judge, S.A.S. Nagar, Mohali. Inter alia learned Additional Sessions Judge has contended that a penalty of Rs.25,000/- had been imposed upon one Sukhwinder Singh, which he failed to pay. Notice under Section 446(2) Cr.P.C was served upon him on 21.3.2015. He pleaded guilty to the notice and sought some time for depositing the penalty amount. The request was accepted and he was given time upto 30.3.2015 for that purpose failing which he was sent to civil

imprisonment for six months. In the meanwhile, he was asked to furnish personal bond of Rs.20,000/- with one surety of the like amount. Sukhwinder Singh accordingly did so. One Sukhchain Singh had stood surety for him. On the day given i.e. 30.3.2015, Sukhwinder Singh did not come present. He failed to deposit the amount as such arrest warrants were issued against him, which were executed. Sukhwinder Singh was arrested and produced in the Court. Since he said that he was not ready to pay the penalty amount he was sent to civil imprisonment for six months vide order dated 17.7.2015 passed by Civil Judge, S.A.S. Nagar, Mohali. On completion of period of six months Sukhwinder Singh was released from custody. Notice under Section 446 Cr.P.C had been sent to Sukhwinder Singh. He pleaded guilty. Penalty of Rs.20,000/- was imposed upon him. Recovery proceedings were initiated to recover the amount by attachment and sale of his property as mentioned in the jamabandi enclosed with personal/surety bonds. However, as per report received from the revenue authorities the jamabandi attached was found to be fake. Presence of Sukhwinder Singh was sought to be secured but to no effect. Accordingly, the matter was reported to the police for registration of criminal case against Sukhwinder Singh and Sukhchain Singh. F.I.R. was accordingly registered. Sukhwinder Singh was arrested in this case. During the course of interrogation he disclosed that surety was arranged by petitioner Rajwinder Singh, Lambardar who had prepared the necessary documents. Rajwinder Singh was accordingly nominated as an accused. He was arrested on 24.4.2021. He had approached the Court of Sessions at S.A.S. Nagar, Mohali by filing application for regular bail but was unsuccessful. He had come to this Court earlier with similar prayer but the first petition was

withdrawn on his behalf. He has come to this Court again by moving second application for regular bail, which is being opposed by the State counsel.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

As per custody certificate filed on behalf of the State, the petitioner has undergone a period of more than seven months in custody. Though on completion of investigation challan against the accused is said to have been filed but charge is yet to be framed as informed by the State counsel. In that way, conclusion of trial is likely to take considerable time. One of the co-accused namely Sukhwinder Singh on whose disclosure the petitioner was nominated as an accused is said to have expired. Although in terms of the written reply filed on behalf of the State the petitioner is involved in three more criminal cases but in one of such case the cancellation report is said to have been accepted whereas the petitioner earned acquittal in two other cases. Therefore, without going into the merits of the case, I find that the petition deserves to be accepted and it is hereby allowed. Petitioner Rajwinder Singh is ordered to be released on bail on his furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate, S.A.S. Nagar, Mohali subject to the following conditions :-

- (i) he shall appear in the Court on each and every date of hearing.
- (ii) he shall not give any threat or intimidation to the prosecution witnesses.
- (iii) he shall not leave India without prior permission of the Court and shall surrender his Passport, if he has got one, otherwise to furnish affidavit in that regard.
- (iv) he shall not indulge in any criminal activity.

The Court accepting the bonds is to ensure that the surety furnished by the petitioner is local one, having documentary proof of the sufficient immovable property within jurisdiction of the said Court. An endorsement be made on the title deed of the property that the said person has stood as a surety for the petitioner. A copy of that document be retained on the record of the Court. Photographs of the surety, accused and attesting witnesses be also obtained and placed on record

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

(H.S. MADAAN)
JUDGE

November 29, 2021
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No