

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

**CRM-M-1077-2022
Date of Decision: 07.04.2022**

Gurjit Singh @ Babbu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Karanjit Singh, Advocate
for the petitioner.

Mr. R.S. Thind, DAG, Punjab.

JASGURPREET SINGH PURI, J.(ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.315, dated 02.12.2021 under Sections 420, 465, 471 and 473 of IPC, 1860 registered at Police Station Civil Lines, District Amritsar.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody from 02.12.2021 and the investigation of the case has been completed and the challan has been presented. He submitted that it is a case where the allegations were that the petitioner was running a photostat shop and was preparing forged Aadhaar cards and other documents used in Courts for furnishing false sureties. He submitted that in fact the present case has been planted upon the petitioner by the police and there was alleged recovery of one Aadhaar card in the name of Balbir Kaur, which according to the police was a forged Aadhaar card. He submitted that the petitioner has clean antecedents and he is not involved in any other case and entire case is

the petitioner because the investigation has been completed and challan has been presented. He further submitted that it is yet to be determined that at the time of trial as to whether the Aadhaar card is forged or not and apart from the same, the allegations that some computer was recovered from the petitioner is also false because there is no recovery in the present case.

3. On the other hand, Mr. R.S. Thind, learned DAG, Punjab on instructions from ASI Lakhwinder Singh has submitted that it is a case where the petitioner has been forging the Aadhaar cards and therefore, he is not entitled for the grant of regular bail. He submitted that it is correct that investigation of the case has been completed and challan has been presented.

4. I have heard the learned counsel for the parties.

5. This Court had adjourned the case on 04.03.2022 in view of the request made by the learned State counsel for filing an affidavit with regard to the role of the petitioner in the present case and thereafter on 22.03.2022, again the State did not file any affidavit and last opportunity was granted. Today, when the matter was taken up again, no affidavit has been filed by the State. The investigation of the case has been completed. The State has filed a custody certificate, which is taken on record. As per the custody certificate, the petitioner is not involved in any other case and no further recovery is to be effected from the petitioner and the trial of the case may take long time.

6. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may abscond or he may tamper with any evidence or may flee from justice or may influence any witness.

7. Therefore, considering the totality of facts and circumstances of the present case, this Court deems it fit and proper to grant bail to the petitioner. Consequently, the present petition is allowed and the petitioner is released on bail on his furnishing adequate bail/ surety bonds to the

satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Duty Magistrate, concerned.

8. It is made clear that the aforesaid observations would not mean anything on the merits of the case, as the same are only for the purpose of deciding the present petition.

(JASGURPREET SINGH PURI)
JUDGE

April 07, 2022
Manpreet

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No