

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

208

CRM-M-19871-2021 (O &M)

Date of decision: 19.04.2022

SURJIT SINGH WALIA

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Sunil Chadha, Senior Advocate with
Mr. Tara Dutt, Advocate
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab
for the respondent.

None for the complainant.

SANT PARKASH, J. (ORAL)

Prayer in this petition under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner, in case, FIR No. 105 dated 03.03.2021 registered under Sections 177, 199, 200, 205, 419, 420, 465, 467, 468, 471, 120-B of the Indian Penal Code, 1860 at Police Station Division 5, Ludhiana.

Vide order dated 09.02.2022, Co-ordinate Bench of this Court granted interim bail to the petitioner till 08.04.2022. The relevant part of the order is reproduced as under :-

“.....Briefly stated, the case of the prosecution is that one Avtar Singh who stood surety at the time when the petitioner's son Karanvir Singh was granted bail was identified by the petitioner. However, it was later found that Avtar Singh had been impersonated.

Learned senior counsel appearing for the petitioner submits that the petitioner has been falsely implicated in this case at the behest of the complainant who is inimical to the petitioner as even earlier the complainant has got false cases registered against him; in all the other false cases that the petitioner faces he has been granted by this Court/Trial Court the concession of anticipatory bail/regular bail; in the present case the petitioner is in

custody for the last nearly 10 months; investigation in the case is complete; even if the case of the prosecution is taken as gospel truth, though vehemently denied, the allegations against the petitioner are of identifying a surety for the release of his son who on later date was found to have impersonated; the petitioner cannot be prosecuted for the afore act as the fact of impersonation was not within his knowledge; no recovery is required to be made from the petitioner and that since the petitioner's trial is yet to begin the same will take a long time to conclude.

Learned State counsel as also learned counsel for the complainant oppose the grant of bail to the petitioner on the ground that the petitioner is involved in six other criminal cases and that if released on bail he is likely to commit similar offences.

Whether the petitioner was aware of the fact that Avtar Singh was being impersonated at the time of giving of surety for the release of his son would be debated during the course of his trial. However, on one hand, the petitioner has been in custody for nearly 10 months; in all other cases being faced by the petitioner, he has been granted by this Court/Trial Court the concession of anticipatory bail/regular bail and investigation in the present case is complete while on the other hand, the petitioner faces six other criminal cases which include cases of forgery and attempt to murder as also that in the present case, the complainant is yet to be examined before the Trial Court.

After considering the above facts in totality, this Court is of the opinion that while adjourning the present petition to 19.04.2022, it is considered just and appropriate to direct that subject to the satisfaction of the Illaqa Magistrate/CJM/Duty Magistrate, Ludhiana, who shall insist on heavy local sureties, the petitioner be released on interim bail till 08.04.2022.

It is clarified that on the adjourned date, subject to the petitioner's surrender before the jail authorities, further orders in the present petition would be passed on its merits after considering the conduct of the petitioner and the progress in his trial.....”

I have heard learned Counsel for the parties and gone through the case file.

Learned Counsel for the petitioner while reiterating his submissions made on 09.02.2022 has submitted that petitioner has been falsely implicated in the present case. He is in custody for the last 10 months. Investigation in the case has been completed. No recovery is

required to be made from the petitioner. Trial is likely to take long time. The petitioner is involved in six other criminal cases and he is on anticipatory/regular bail in all these cases. The petitioner has surrendered before the concerned jail authorities on 08.04.2022. No useful purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State Counsel opposed the submissions of learned Counsel for the petitioner and has submitted that the petitioner is a habitual offender and is involved in six other criminal cases. Therefore, the petition for grant of regular bail to the petitioner may be dismissed.

Custody Certificate dated 18.04.2022 taken on record. As per the Custody Certificate, the petitioner surrendered before the concerned Jail Authorities on 08.04.2022. The petitioner is in custody for the last 10 months and 15 days as on 18.04.2022.

Having considered the facts and circumstances of the case, the period of custody of the petitioner, custodial interrogation of the petitioner not required, nothing is to be recovered from the petitioner, trial is likely to take long time but without expressing any opinion on the merits of case, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

19.04.2022
kavneet singh

(SANT PARKASH)
JUDGE

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