

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

CRM-M-25996-2022 (O & M)

Date of decision: 05.08.2022

Jatinder Singh

.... Petitioner

V/s

State of U.T., Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Manjot Kaur, Advocate,
for Mr. Satnam Singh Gill, Advocate, for the petitioner.

Mr. Deepinder Singh Brar, Addl.P.P.,
for the respondent-U.T., Chandigarh.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.40 dated 28.02.2022 under Sections 200, 205, 419, 420, 511, 468, 120-B IPC with Police Station Sector 36, U.T., Chandigarh.

2. The present FIR was got lodged by M.S. Kainth, JMIC, Chandigarh on 28.02.2022 on the allegations that the petitioner had appeared in the said Court on that day to furnish bail bonds qua the accused (accused Kunal in FIR No.24 dated 02.02.2022 under Sections 419, 420, 120-B IPC, with Police Station 36, Chandigarh) on the basis of a bail order dated 29.11.2021. He had furnished surety bond with which a jamabandi was submitted in which there was mutation reflecting inheritance of Bhagat

Singh. The petitioner-Jatinder Singh himself claimed to be the said Bhagat

Singh (already deceased). On account of suspicion, other identity documents of the petitioner were sought. He had Driving Licence and PAN Card which reflected his name as Jatinder Singh. Due to such impersonation as Bhagat Singh, and by presenting fake jamabandi he was taken into custody and was sent to the Police authorities for necessary action. Accordingly, this FIR was lodged under Sections 200, 205, 419, 420, 511, 468 and 120-B IPC.

3. The learned counsel for the petitioner contends that the petition is in custody since 28.02.2022 and the investigation stands completed. The case is triable by the Court of a Magistrate and even otherwise the CFSL regarding verification of documents submitted by the petitioner is still awaited. As none of the 21 prosecution witnesses have been examined till date, therefore, the petitioner ought to be granted the concession of bail.

4. The learned counsel for the respondent-U.T. submits that a serious offence has been committed by the petitioner with the Court. The petitioner has impersonated as Bhagat Singh though his actual name is Jatinder Singh, and therefore, he does not deserve the concession of bail.

5. I have heard the learned counsel for both the parties.

6. Undoubtedly, the petitioner is a first-time offender, this being the only FIR registered against him. According to the custody certificate, the petitioner has undergone a total custody period of 04 months 26 days as on 29.07.2022 and none of the prosecution witnesses have been examined so far. Therefore, the trial in the present case is not likely to be concluded in the near future. The case is otherwise, triable by the Court of a Magistrate. There is nothing to suggest that the petitioner will either flee from justice, tamper with the evidence or pressurize witnesses. Therefore, the triple test

Directorate of Enforcement, 2020 AIR (SC) 1699”, is prima facie satisfied.

In view of the above, the further incarceration of the petitioners is not required.

7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Jatinder Singh, is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

(JASJIT SINGH BEDI)
JUDGE

August 05, 2022
sukhpreet

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