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

CRM-M-8263-2023

Date of Decision: 27.03.2023

Jatinder Singh @ Kaka

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Lovish Rattan, Advocate
for the petitioner.

Mr. Harjinder S. Sidhu, AAG, Punjab.

HARSH BUNGER J. (ORAL)

Prayer in the present petition, filed under Section 439 of the Code of Criminal Procedure, is for grant of regular bail to the petitioner in case FIR No.96 dated 18.08.2022, under Sections 419, 420, 465, 467, 468, 471 and 120-B of the Indian Penal Code, 1860, at Police Station Navi Baradari, District Jalandhar.

A Status Report by way of Affidavit of Mr. Harinder Singh, P.P.S., Assistant Commissioner of Police, Special Branch and Criminal Intelligence, Jalandhar, has been filed on behalf of State of Punjab.

Custody certificate dated 26.03.2023 of the petitioner has been filed by learned State counsel in Court today, which is taken on record, subject to all just exceptions.

The present FIR was registered on the basis of secret information received by the Assistant Sub Inspector Jagdish Singh to the effect that one Manjit Singh @ Sonu and Jatinder Singh @ Kaka used to give sureties in the Courts on the basis of forged documents and they have

prepared forged documents to stand as surety for Rita Minhas and on that day, i.e. 18.08.2022, they were present near Kachehari Chowk, in the area of Chambers of lawyers and if the place is raided then these two persons can be apprehended with fake documents/identity cards etc. Finding the information reliable, a *ruqa* was sent to the police station for registration of FIR and a raid was conducted at the nominated place and after seeing the police party, accused tried to flee away but they were apprehended on spot. The apprehended persons disclosed their names as Manjit Singh @ Sonu and Jatinder Singh @ Kaka.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present FIR on the basis of a secret information only. It is further submitted that neither any money nor any mobile phone has been recovered from the petitioner as well as co-accused. Learned counsel submits that the petitioner has no role to play in the alleged occurrence. It is submitted that none of the documents allegedly recovered from petitioner has been determined to be fake one and there is nothing to show that the petitioner ever appeared before any Court or gave wrong surety in any Court. Learned counsel further submits that the petitioner is in custody since 18.08.2022; challan has already been presented on 24.11.2022 and even charges have been framed on 16.02.2023. Learned counsel submits that there are total 14 witnesses but none has been examined so far, thus, trial would take some time. It is submitted that co-accused, namely Charanjit Singh, has been granted the concession of bail and the petitioner is ready to abide by all the conditions as may be imposed by this Court or by the trial Court; accordingly prayer for grant of regular bail is made.

Learned State counsel opposes the plea of petitioner for grant of regular bail on the ground of seriousness of the offence and also submits that

the petitioner is involved in three other cases, however, it is not disputed that the petitioner has been in custody for more than seven months (as on 26.03.2023), challan stands submitted on 24.11.2022 and even charges have been framed in this case. It is also submitted that the co-accused, namely Charanjit Singh, has been granted default bail.

I have heard learned counsel for the parties and perused the paper book, status report as well as the custody certificate filed by learned State counsel.

Petitioner is a young boy of 25 years of age and he has been in custody for seven months and six days (as on 26.03.2023); challan stands presented on 24.11.2022 and charges have already been framed on 16.02.2023. The trial is likely to take long time and no useful purpose would be served by keeping the petitioner behind the bars.

So far as involvement of petitioner in three other cases is concerned, suffice it to say that the registration of other cases against the petitioner cannot be taken to be as the sole material consideration for the purpose of declining him the relief of bail. In this regard, reference can be made to the judgment rendered by Hon'ble Supreme Court in case of ***“Maulana Mohammed Amir Rashadi Vs. State of Uttar Pradesh and another”***, reported as ***(2012) 2 Supreme Court Cases, 382***, wherein it was observed as under:-

“It is not in dispute and highlighted that the second respondent is a sitting Member of Parliament facing several criminal cases. It is also not in dispute that most of the cases ended in acquittal for want of proper witnesses or pending trial. As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of

fleeing away from the jurisdiction of the Court etc.”

Keeping in view the aforementioned circumstances, the instant petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the Trial Court/Illaqa Magistrate/Duty Magistrate concerned. However, the concerned Station House Officer shall be informed about the release of petitioner and the petitioner shall inform the concerned Station House Officer about his address at which he intends to reside during the pendency of case and any change in the address shall also be communicated to the concerned Station House Officer, forthwith. The petitioner would also furnish his telephone number to the concerned Station House Officer. He would also furnish his undertaking to the effect that he will not indulge in any illegal activity, during the pendency of the trial.

The petitioner shall appear before the police station concerned on first Monday of each month till the conclusion of the trial.

In addition, the petitioner (or any one on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law, in case of the absence of the petitioner from trial without sufficient cause.

Nothing expressed hereinabove shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.

The petition is accordingly disposed of.

27.03.2023

Himani

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No