

CRM-M-12473-2023

2023:PHHC:134035

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(223)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12473-2023

Date of Decision: 12.10.2023

GURPREET SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Shvetanshu Goel, Advocate
for the petitioner.

Ms. Ramta K Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.0195 dated 27.07.2022 registered under Sections 419, 420, 465, 466, 467, 468, 471, 474, 120-B of IPC at Police Station Division No.5, Police Commissionerate Ludhiana.

2. The present FIR came to be registered at the instance of Sumit Garg, JMIC, Ludhiana on the basis of a complaint under Sections 419, 420, 465, 466, 467, 468, 471, 474 IPC read with Section 120-B IPC against an unknown person (appearing as surety as Harpreet Singh son of Dev Singh), Vijay Kumar @ Sanjay son of Tara Chand and Rajinder Singh son of Ranjit Singh. As per the allegations levelled in the complaint, in pursuance of a notice issued to the surety of accused Vijay Kumar @ Sanjay, Harpreet Singh son of Dev Singh had appeared before the Court on 18.05.2022 and suffered his statement that he had never stood surety of the accused Vijay Kumar @ Sanjay son of Tara Chand. He further stated that some unknown person had

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impersonated him and had appeared before the Court as Harpreet Singh. The said unknown person had forged and fabricated his Aadhar Card and had filed a false affidavit on his behalf in the Court. The original Harpreet Singh son of Dev Singh further stated that the said person (impersonator) had used the Jamabandi of his property and got the accused person namely, Vijay Kumar @ Sanjay bailed out by furnishing his property in Village Chupki, District Ludhiana as surety. He produced on record his Aadhar Card and also his photographs. The number of the Aadhar Card (Ex.A1) produced by Harpreet Singh was also different from the Aadhar Card produced by the impersonator who had appeared as a fake surety in the case. Along with the bail bonds and surety bonds furnished in the Court, one affidavit had also been furnished accompanying the bonds filed by the surety and one Jamabandi for the year 2013-14 of Village Chupki Hadbast No.272, Tehsil Dehlon, District Ludhiana issued on 20.07.2022 was also filed in Court. Thus, it was evident that a person who had appeared as a surety witness Rajinder Singh and accused Vijay Kumar alias Sanjay had entered into a criminal conspiracy to get accused Vijay Kumar alias Sanjay released on bail by furnishing bail/surety bonds on the basis of forged documents.

During the course of investigation, it came to fore that an FIR No.125 dated 21.07.2020 had been registered against accused Vijay Kumar alias Sanjay under Sections 61, 1, 14 of the Excise Act at Police Station Tibba, Ludhiana. In the aforesaid FIR, the imposter (who had impersonated as Harpreet Singh) stood as a surety for the bail of the accused and Rajinder Singh was the signatory to the surety bonds submitted by imposter Harpreet Singh.

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Thereafter, on the basis of the fabricated Aadhar Card submitted by the imposter Harpreet Singh before the Court and the photographs affixed on the surety bonds furnished before the Court, the petitioner i.e. Gurpreet Singh was identified by the Investigating Agency as the imposter who had masqueraded as Harpreet Singh before the Court and had submitted a false affidavit, a fabricated Aadhar Card along with surety bonds. Thereafter, the petitioner along with the accused Vijay Kumar was arrested in the present case on 15.11.2022.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case only on account of the fact that he had two other similar FIRs registered against him. There was no evidence to prove that the petitioner had produced the alleged fake and fabricated documents. He had never appeared before the Trial Court. In fact, it was the lackadaisical attitude of the Court's staff that had allowed the present offence to go unnoticed and it appears that they were party to the entire occurrence. As the petitioner was in custody since 15.11.2022, none of the 10 prosecution witnesses had been examined so far and the case was triable by the Court of a Magistrate, he was entitled to the concession of bail.

4. On the other hand, the learned State counsel while referring to the status report dated 09.03.2023 contends that the offence had been *prima facie* established. The petitioner was a habitual offender with a number of cases registered against him including those of a similar nature. Therefore, he was not entitled to the concession of bail. She, however, concedes that the petitioner was in custody since 15.11.2022, none of the 10 prosecution

witnesses had been examined so far and the was otherwise triable by the Court of a Magistrate.

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

6. This Court in the case titled as ***Maninder Sharma Vs. State Tax Officer, State, Mobile Wing, Jalandhar, Punjab bearing CRM-M24033-2021(O&M) Decided on 31.08.2022*** has held as under:-

“Therefore, broadly speaking (subject to any statutory restrictions contained in Special Acts) , in economic offences involving the IPC or Special Acts or cases triable by Magistrates once the investigation is complete, final report/complaint filed and the triple test is satisfied then denial of bail must be the exception rather than the rule. However, this would not prevent the Court from granting bail even prior to the completion of investigation if the facts so warrant.”

7. The veracity of the prosecution case against the petitioner and his co-accused shall be a matter of adjudication during the course of Trial. Admittedly, the petitioner is in custody since 15.11.2022 and none of the 10 prosecution witnesses have been examined so far. Therefore, the trial of the present case is not likely to be concluded anytime soon. There are no serious apprehensions expressed by the State that the petitioner would abscond from justice, tamper with the evidence or influence witnesses if granted the concession of bail. Therefore, in this situation, the further incarceration of the petitioner is not required.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Gurpreet Singh son of Pavittar Singh is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

10. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- 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 the trial without sufficient cause

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

12.10.2023

JITESH

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