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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16296-2023
DECIDED ON: 17.04.2023

GURPREET SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Sunny K. Singla, Advocate, for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The instant petition has been filed under Section 439 Cr.P.C. filed by the petitioner seeking regular bail in case FIR No.368 dated 22.08.2022 under Sections 419, 420, 465, 466, 467, 468, 471, 177, and 120-B IPC, 1860 registered at Police Station City Barnala, District Barnala (Annexure P-1).

2. Learned counsel for the petitioner vehemently contends that the petitioner is falsely implicated in the commission of the said offence, no role whatsoever has been attributed. Petitioner has no intention to deceive any of the person at all at any stage. It is further submitted that the petitioner neither forged any document nor committed any act of forgery over the said document and therefore no evidence whatsoever is available on record to implicate the petitioner in the instant case who is suffering incarceration since 22 August, 2022.

3. Notice of motion.

4. On the asking of the Court, Mr. Mohit Chaudhary, AAG Punjab accepts notice and has filed custody certificate dated 16.04.2023, which is taken

on record. According to which, the petitioner has undergone 7 months and 23 days of actual custody.

5. Regarding the controversy whether on the facts and circumstances of the case a prima facie charge under Section 419 IPC is made out or not, it transpires that bare perusal of the provisions of Section 416 IPC reveals that cheating by personation could be by pretending to be some other person or by knowingly substituting one person for another. In the case in hand, as per the allegations the petitioner-Gurpreet Singh, while furnishing the bail bonds and surety bonds of accused Naresh Kumar, impersonated himself as Mohinder Singh son of Shamsheer Singh, thus it cannot be said that his conduct would not amount to cheating by personation under Section 419 IPC. The act of the petitioner was in fact to furnish forged and fabricated documents in the nature of Aadhar Card before the trial Court which tantamounts to an act of forgery as well and therefore such an offence cannot be pardoned by any stretch of imagination.

6. According to the custody certificate the petitioner has undergone only 7 months and 23 days so far as during the course of trial and is also involved in another case FIR No. 107 dated 05.07.2019 under Sections 22 of NDPS registered at Police Station Sadar, Barnala. The facts clearly depict that the antecedents of the petitioner shows his criminal mindset which needs to be deprecated at this stage.

7. In view of the afore-said discussions, the present petition is dismissed.

(SANDEEP MOUDGIL)
JUDGE

17.04.2023

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No