

CRM-M-15996-2023 (O&M)

Date of decision: 24.07.2023

Gurduman Singh

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Rishu Mahajan, Advocate for petitioner.

Mr. Mohit Thakur, AAG Punjab.

ARUN MONGA, J. (ORAL)

Aggrieved on being declined bail by learned trial court,petitioner seeks his release as undertrial in a case bearing FIR No.303 dated 22.09.2022, registered under Sections 420, 467,468,471,120-B of the Indian Penal Code, 1860 (for short 'IPC') at Police Station B-Division, District Amritsar.

2. Per prosecution version, petitioner and his co-accused Vinayak Naresh Bhatia and Ajay Kumar alias Tinku forged registration certificate of Taxi Swift Dezire No.PB-10-FV-6693, and forged number plate from yellow to white to make it lookas a non-transport vehicle.

2.1. Petitioner Gurduman Singh sold the vehicle in question to complainant Kulwinder Singh on 25.08.2021for Rs.5.5 Lakh. Upon verification of the RC of the vehicle in question by complainant Kulwinder Singh, he filed an application on 30.12.2021 against the petitioner, who in turn filed a police complaint on 14.06.2022 against Vinayak Naresh Bhatia and Ajay Kumar @ Tinku on the allegations that Vinayak Naresh Bhatia sold him the car for Rs.3,58,000/- on 26.07.2021. Vinayak Naresh Bhatia got Rs.20,000/- as commission from him. Per enquiry report, Vinayak Naresh Bhatia and Ajay Kumar made a fake RC of the said vehicle and gave the same to petitioner Gurduman Singh. Petitioner was also arrested as a suspect on 14.02.2023.

3. Learned counsel for petitioner submits that petitioner has been falsely implicated in this case. He has no role to play in the commission of the alleged offence. Moreover, the petitioner is also one of the victims. He further submits that aforesaid car was sold to petitioner through Vinayak Naresh Bhatia and Ajay Kumar for Rs. 3.78 lakh. When said vehicle was sold to the petitioner, co-accused did not disclose to the petitioner that this car was registered as a taxi. They gave a fake RC, which had no information about the car being registered as Taxi. Later, when complainant applied for a high security number plate, he came to know that the vehicle was registered as commercial. Petitioner is as much a victim as complainant, contends the learned counsel for petitioner.

3.1 He further submits that co-accused, namely, Vinayak Naresh has already been granted relief of interim bail vide order dated 05.01.2023 (Annexure P-3), which was made absolute vide order dated 18.04.2023. Co-accused Ajay Kumar @ Tinku is still on the run. Nothing is to be recovered from petitioner and he is not required for further custodial interrogation.

4. Per contra, learned State counsel on instructions from ASI Balraj Singh opposes the bail petition. Petitioner is involved in serious fraud. He does not deserve concession of bail, at this stage. However, he admits that no other case is pending against petitioner.

5. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

6. On a Court query, learned State counsel submits that challan has been presented and charges have been framed. Out of 22 prosecution witnesses, none has been examined so far. Being so, since trial has commenced, thus petitioner is not required for any further custodial interrogation. Bail allows an accused to maintain his freedom until his guilt or innocence is determined. Allegations against petitioner are a matter of trial at this stage. Trial is likely to take a long time as it is proceeding at a

snail pace. Whereas,petitioner has already been in jail for the past more than five months, he beingbehind bars since 14.02.2023.

6.1. Petitioner is being kept in preventive custody merely on an unfounded suspicion that if he is let out, he may either tamper with evidence and/or influence witnesses. There is no probability of tampering with evidence as the same has already been seized by the investigating agency.

6.2. Petitioner is stated to be sole bread winner having family comprising of his wife and two minor children, who are dependent on him and in his absence, they are living in sheer penury. Being a family man having responsibilities and clean antecedents, it is unlikely that he is flight risk or will flee from the trialproceedings. Offence allegedly committed by petitioner is of non-violent nature and inthat sense his release on bail is not a threat to the society at large by committing anyviolent crime.

6.3. That apart, co-accused Vinayak Naresh Bhatia has been extended the concession of anticipatory bail by this Court vide order dated 18.04.2023 passed by a co-ordinate Bench of this Court. Case of petitioner appears to be on better footing than that of co-accused Vinayak Naresh Bhatia. I see no reason as to why petitioner be not granted the concession of bail in this case on parity.

7. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody. Considering the overall scenario and without commenting on the merits of the case, the instant petition is allowed.

8. Accordingly, petitioner is ordered to be released on bail, in case not required in any other case, on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court, where his case is being tried and in case he/she is not available, before learned Duty Judge, as the case may be.

9. In case, petitioner is found to be involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of his bail in the instant case.

10. It is made clear that any observations and/or submissions noted hereinabove shall not have any effect on merits of the case as the same are for the limited purpose of hearing the instant bail petition alone and learned trial Court shall proceed without being influenced with this order.

11. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

24.07.2023

Vandana

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