

213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20636-2023

Date of Decision: 16.05.2023

VIKAS GARG ALIAS RUBI

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Suvir Sidhu, Advocate for the petitioner.
Ms. Ruchika Sabherwal, DAG Punjab.

* * *

VIVEK PURI, J. (ORAL)

1. The petitioner is seeking regular bail in case bearing FIR No. 33 dated 09.03.2023 under Sections 420, 465, 467, 468, 471, 120B IPC, registered at Police Station Sardulgarh, District Mansa, Punjab.

2. Custody certificate has been placed on record.

3. Learned counsel for the petitioner contends that as per the allegations the petitioner along with Happy Soni, co-accused had been using forged seals and signatures of Tehsildar Sardulgarh for issuing various documents. The FIR has been registered at the instance of Naib Tehsildar Sardulgarh. The petitioner is not an employee of the Tehsil office. He is running a shop of photostat in the premises of the Tehsil complex. Moreover, the recovery of fake stamps etc. has been effected from co-accused Happy Soni and only two Aadhar card update forms have been recovered from the petitioner. The petitioner is in custody for a period of 2 months and 3 days and not involved in any other case. The offences are triable by the Court of learned Judicial Magistrate First Class.

4. Learned State counsel has opposed the bail application on the score that as per the allegations, the petitioner along with the co-accused

had been preparing forged Aadhar cards and statements of 5/6 affected persons have been recorded to indicate that the amount was being paid by them to the petitioner and the co-accused for preparation of the Aadhar cards.

5. Furthermore, it has been submitted that the matter is still at the stage of investigation.

6. It is significant to note that the petitioner is in custody for a period of 2 months and 3 days and not involved in any other case. The petitioner is not an employee of the Tehsil office. Moreover, the alleged fake stamps have not been recovered from the possession of the petitioner. The custodial interrogation of the petitioner is over and he has been remanded to judicial custody. The offences are triable by the Court of learned Judicial Magistrate First Class. The conclusion of investigation and trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner in further custody.

7. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

8. The petition is allowed.

16.05.2023

Janki

(VIVEK PURI)
JUDGE

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