

CRM-M-28842-2022

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

CRM-M-28842-2022

Date of decision: 20.07.2023

Rishab Banipal @ Nannu

...Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILLPresent:- Mr. Aayush Arora, Advocate,
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

1. Through this petition, the petitioner seeks regular bail in case FIR No.105 dated 03.03.2021, registered at Police Station Division No.5, District Police Commissionerate Ludhiana, under Sections 177, 199, 200, 205, 419, 420, 465, 467, 468, 471 and 120-B IPC.
2. As per the prosecution version, one Bhupinder Kaur had stood surety for the petitioner in some other case, but later on, it was found that someone had impersonated herself as Bhupinder Kaur. The aforesaid imposter had also submitted a fake/fabricated voter-card.
3. Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case, and that one of the accused who had stood surety for the petitioner by impersonating herself as Bhupinder Kaur, is still not traceable. It is further submitted that it is debatable as to whether the petitioner was aware qua the factum of alleged impersonation and the same can only be determined on the basis of

CRM-M-28842-2022

evidence during the course of trial. It is further contended that the petitioner has been in custody for the last more than 01 year and 09 months, and that co-accused, namely, Surjit Singh Walia, and Karanveer Singh alias Karan Walia have since been granted the concession of regular bail by a Coordinate Bench and by this Court, respectively. It is further submitted that out of other cases registered or pending against the petitioner, he has been released on bail in some cases. It is further submitted that out of 11 prosecution witnesses, only 02 witnesses have been examined so far and that the trial is moving at a snail's pace and is not likely to conclude anytime in near future.

4. On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner alongwith the co-accused had hatched a criminal conspiracy and got arranged the fake surety, and that one of the accused had impersonated herself as Bhupinder Kaur to get released the petitioner from the jail in some other case. He further submits that the petitioner is a habitual offender and he has as many as 21 other cases registered or pending against him.

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

6. In the present case, one of the accused who had stood surety for the petitioner in some other case by impersonating herself as Bhupinder Kaur, is still not traceable. It is debatable as to whether the petitioner was aware of the fact that Bhupinder Kaur was being impersonated at the time of furnishing the surety bonds and the aforesaid fact can only be determined on the basis of evidence during the course of trial.

7. The petitioner has been in custody since 29.09.2021. As many

CRM-M-28842-2022

as 09 prosecution witnesses are yet to be examined. Trial is unlikely to conclude any time soon. As stated above, co-accused, Surjit Singh Walia and Karanveer Singh alias Karan Walia have since been granted the concession of regular bail. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

8. In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

20.07.2023
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No