

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Date of Decision:-08.12.2023

CRM-M-34388-2023

Satnam Singh @ Sonu.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

AND

CRM-M-33691-2023

Narinder Singh @ Raju.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Brijesh Nandan, Advocate &
Ms. Anupam Bhanot, Advocate for the Petitioner
(in both cases).

Mr. Harkanwar Jeet Singh, AAG Punjab.

JASJIT SINGH BEDI, J.(ORAL)

By this common order I shall dispose of both the
aforementioned petitions as the same have arisen out of one and the same
FIR.

2. The Prayer in these petitions under Section 439 Cr.PC is for the
grant of regular bail in case FIR No.227 dated 28.11.2022 under Sections
420, 465, 471, 193, 120-B IPC and (Section 419 IPC added later on vide

DDR No.35 dated 01.12.2022 and offence under Section 34 IPC deleted vide Rapat no.23 dated 02.05.2023) registered at Police Station Sadar Tarn Taran.

3. The present FIR came to be registered with the allegations that petitioner-Satnam Singh @ Sonu (in CRM-M-34388-2023) son of Sh. Resham Singh and petitioner-Narinder Singh @ Raju (in CRM-M-33691-2023) had impersonated Gurlal Singh and Gurjit Singh respectively by appearing as sureties for accused Tarsem Singh @ Kalor Bhalwan in case titled as State Vs. Tarsem Singh @ Kalor Bhalwan.

4. The Counsel for the petitioners contend that the petitioners have been falsely implicated in the present case. They have been nominated by the investigating agency without any admissible evidence on record. They are also first time offenders. Co-accused Harvinder Kumar Handa, Advocate, Inderbir @ Jodha who had arranged the petitioners for the purposes of sureties and Rekha wife of Tarsem Singh @ Kalor Bhalwan have been granted the concession of anticipatory bail. As they were in custody since 06.03.2023 and only 20 out of the 36 prosecution witnesses had been examined so far, they were entitled to the concession of bail.

5. The Counsel for the State on the other hands contends that the present FIR came to be registered on the basis of a complaint submitted by the District & Sessions Judge, Tarn Taran to the SSP Tarn Taran. As per investigation, in the case titled as State Vs. Tarsem Singh @ Kalor Bhalwan the accused had been directed to furnish fresh bail bonds and surety bonds in the sum of Rs.1 lac with one surety in the like amount. The names of the sureties were stated to be Gurlal Singh son of Gurdial Singh and Gurjit Singh son of Kabal Singh. It transpired that petitioner-Satnam Singh @ Sonu impersonated as Gurlal Singh whereas petitioner-Narinder Singh @

Raju impersonated as Gurjit Singh. The sureties had been arranged by one Bawa @ Indarbeer Singh Jodhka (granted anticipatory bail vide order dated 03.07.2023 in CRM-M-30470-2023) and Advocate Harwinder Kumar Handa (granted anticipatory bail vide order dated 10.04.2023 in CRM-M-60714-2022). Looking into the serious nature of the allegations the petitioners were not entitled to the concession of bail. He however, admits that the petitioners were in custody since 06.03.2023, only 20 out of 36 prosecution witnesses have been examined so far and that they were first time offenders.

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-M-24033-2021(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. In the instant case admittedly, the petitioners are in custody since 06.03.2023 and only 20 out of 36 prosecution witnesses have been examined son far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. Further, the co-accused of the petitioners have been granted the concession of anticipatory bail. Nothing significant has been pointed out by the State that the petitioners would abscond from the

Trial, tamper with the evidence or influence the witnesses if they are granted the concession of regular bail. Therefore, their further incarceration is not required.

8. Thus, without commenting on the merits of the case, the petitioners-**Satnam Singh @ Sonu** son of Sh. Resham Singh and **Narinder Singh @ Raju** son of Sh. Karnail Singh are ordered to be released on bail subject to their satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioners shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing that they are not involved in any other crime other than the present case.

10. In addition the petitioners (or anyone on their behalf) shall prepare an FDR in the sum of Rs.1,00,000/- each 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 petitioners from the trial without sufficient cause.

11. The petitions stand disposed of.

(JASJIT SINGH BEDI)
JUDGE

December 08, 2023

Vinay

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