

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

203

CRM-M-37187-2023
Date of decision: 19.09.2023

BALWINDER SINGH SANDHU

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Mandeep Singla, Advocate for the petitioner.

Mr. Arun Gupta, AAG, Punjab.

DEEPAK MANCHANDA. J.(Oral)

Petitioner has filed this second petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.59 dated 31.03.2008 under Sections 170, 420, 465, 467, 468 and 471 of IPC, registered at Police Station Goraya, District Jalandhar (Annexure P-1), whereas the earlier bail application vide CRM-M-47978-2023 was dismissed as withdrawn vide order dated 16.01.2023(Annexure P-4) as not pressed on the ground that since the petitioner escaped from the custody when he was got admitted in the hospital.

Brief facts of the cases are that on 31.03.2008, ASI Jagdish Kumar along with other Police officials were present at Bus stand, Goraya, where, a secret informer came and disclosed that Balwinder Singh Sandhu, to whom he knows, is NRI and he is having duplicate identity card of Police officer relating to SP Rank, who is cheating the general public by presenting himself to be Police Officer and is roaming in the area of Goraya. On receiving the said information to be correct and true, a prima facie case under Sections 170, 420, 465, 467, 468 and 471 of IPC was made out and ruqa was sent to the Police Station for the

registration of FIR. Investigation was started and during investigation, petitioner was arrested and he was found in possession of certain forged and fabricated documents.

Learned Senior counsel for the petitioner contends that the earlier bail application was withdrawn by the petitioner as being not pressed. The offences committed are triable by the Magistrate and keeping in view the long incarceration wherein the petitioner remained in custody from 28.08.2022 to 21.12.2022 and presently the petitioner is in custody since 24.04.2023. He further contends that the petitioner is stated to be involved in seven FIRs wherein, five FIRs were registered on similar set of allegations and he is on bail in all the cases and apart from these FIRs, two more FIRs are registered against the petitioner, one in Arms Act and other in Section 223/224 of IPC and in both the cases the petitioner is on bail. Learned Senior counsel argues that there is no evidence to show that the alleged forged documents have been used for own purpose and there is nothing on record to show that all those documents have been forged or prepared by the petitioner to deceive any other person. Further, the trial Court illegally and in perverse manner declared the petitioner as proclaimed offender on dated 10.11.2012 in violation of Section 82 of Cr.P.C and thereby the petitioner was arrested on 22.08.2022 and presently, he is in custody for more than eight months and since challan stands presented, investigation is complete and charges are yet to be framed. Therefore, keeping in view the same, the petitioner be released on bail from the pendency of the trial.

Per contra, learned State counsel assisted by Investigating Officer has opposed the aforesaid prayer on the ground that the petitioner was declared proclaimed offender on 10.11.2012, who was arrested on 28.08.2022, remained in custody till 21.12.2022, thereafter, also escaped from the custody and then again

re-arrested on 24.04.2023. He further submits that petitioner is a habitual offender involved in seven other cases and has committed serious crime by impersonating himself as senior official and also forged documents, including fake letter heads of senior police officials, stamps, certificates etc. He further submits that moreover, 50 grams of opium and 30 rounds live 32 bore were recovered from the house of the petitioner but does not dispute this fact that investigation in the present case has already been completed in the year 2008, charges are yet to be framed and the petitioner is on bail in other cases. He again submits that keeping in view the conduct of the petitioner, there is every chance, that petitioner may abscond.

I have heard learned counsel for the parties.

Considering the above, this Court is of the opinion that considering the long incarceration of the petitioner and that now nothing is to be recovered recovered from him and the fact that the offences are triable by Magistrate and when the investigation is complete, challan stands presented and the petitioner is already on bail in other cases, the petitioner has made out a case for grant of regular bail. However, keeping in view the conduct of the petitioner, this Court deem it fit to impose heavy surety on the petitioner in order to secure his presence.

Resultantly, without meaning 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 heavy bail bonds/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate. The petitioner shall remain bound by the following conditions:-

1. The petitioner shall not misuse the liberty granted.
2. The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
3. The petitioner shall not absent himself on any date before the trial Court.
4. The petitioner shall not commit any offence similar to the one alleged in the

present case.

- 5. The petitioner shall provide his cellphone number to the police authorities and shall not change his cellphone number without permission of the trial Court.
- 6. The petitioner shall not in any manner try to delay the trial.
- 7. The petitioner shall not leave the country without prior permission of the Court.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

19.09.2023
Amandeep/Sapna

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