

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

202

*CRM-M-37182-2023*  
*Date of decision: 19.09.2023*

**BALWINDER SINGH SANDHU**

*....Petitioner*

***Versus***

**STATE OF PUNJAB**

*...Respondent*

**CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

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

Mr. Arun Gupta, AAG, Punjab.

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**DEEPAK MANCHANDA. J.(Oral)**

Petitioner has filed second petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.09 dated 12.01.2012 under Sections 420, 465, 468, 471 and 120-B of IPC, registered at Police Station Phillaur, District Jalandhar (Annexure P-1) whereas the earlier bail application vide CRM-M-47988-2022 was dismissed as withdrawn vide order dated 16.01.2023(Annexure P-5) as not pressed on the ground that since the petitioner escaped from the custody when he was got admitted in the hospital.

The present FIR has been lodged on the basis of a letter sent by Sub Divisional Magistrate, Phillaur to the Deputy Superintendent of Police, Phillaur dated 12.01.2012 regarding submission of fake documents/letters signed by IG HQ Punjab by one Balwinder Singh Sandhu, resident of village Ghurka, Tehsil Phillaur. It is stated that one Balwinder Singh submitted a fake letter purported to have been signed by IG of Police, Punjab for the purpose of getting verification certificate for issuance of passport, whereas Sh. P.S. Gill, IG of Police denied his

signatures upon the aforesaid letter.

Learned Senior counsel for the petitioner contends that the earlier bail application was withdrawn by the petitioner as being not pressed and the offences committed are triable by the Magistrate. Keeping in view the long incarceration wherein the petitioner remained in custody from 15.01.2012 to 09.02.2012, 28.08.2022 to 21.12.2022 and presently the petitioner is in custody since 24.04.2023 and the challan was presented on 04.06.2012. Thereafter, supplementary challan was prepared on 15.11.2022 and same was presented in the Court on 16.11.2022, however, charges are yet to be framed against the petitioner. 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 either for own purpose or for causing injury to any person and moreover, nothing is 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 08.03.2013 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 since 24.04.2023 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 08.03.2013, who was arrested on 28.08.2022 and

remained in custody till 21.12.2022, thereafter, again escaped from hospital and then was re-arrested on 24.04.2023. He further submits that petitioner is a habitual offender involved in seven other cases and 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 2012, 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, the 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 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