

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

CRM-M-40173-2023

Date of Decision:-23.08.2023

Gurmej Singh @ Heera Singh.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

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

Present:- Mr. Sarvesh Kumar Gupta, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, Assistant Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.24 dated 23.01.2023 under Sections 419, 420, 467, 468, 471, 120-B IPC registered at Police Station Sohana, District SAS Nagar, Mohali.

2. The brief facts of the case are that Anita Seth along with her husband Suresh Seth and other family members were accused in Complaint No.3 dated 22.09.2021 under Sections 44, 45 of the PMLA, 2002 read with Section 3, 71 and punishable under Section 4 of the PMLA, 2002. Anita Seth and her husband Suresh Seth were summoned to face trial in the said complaint case. While Anita Seth was granted the concession of anticipatory bail, her husband was taken into custody.

Thereafter he preferred an application for the grant of regular bail and this Court vide order dated 06.01.2023 granted bail to Suresh Seth on the imposition of certain conditions.

As per the allegations, at the time of his release on bail, Anita Seth (since granted bail vide order dated 14.07.2023 in CRM-M-11703-2023) had allegedly furnished forged sureties to the Court in order to obtain the release of her husband Suresh Seth. Anita Seth produced Gurmej Singh and Hardev Singh as sureties for Suresh Seth but the impersonators who allegedly appeared for Gurmej Singh and Hardev Singh were Sarabjit Singh and Gurmej Singh @ Heera (petitioner). Similarly as per the allegations, for Suresh Seth, Darshan Singh purportedly appeared as surety but was impersonated by Sarabjit Singh. Anita Seth had allegedly produced imposters with forged Aadhaar Cards while impersonating the actual Gurmej Singh and Hardev Singh sons of Pal Singh residents of Geri Tehsil, Amritsar. On a complaint of the Court, an enquiry was conducted by the investigating agency leading to the registration of the instant FIR.

3. The Counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. Even otherwise Anita Seth has been granted the concession of bail vide order Annexure P-5. As the petitioner was in custody since 17.03.2023 and the report under Section 173(2) Cr.PC already stood presented, he was entitled to the concession of bail as the case was otherwise triable by the court of a Magistrate and till date none of the 16 prosecution witnesses had been examined so far which would delay the conclusion of the Trial.

4. The Counsel for the State on the other hand contends that a serious fraud was played upon the court at the instance of the accused. Therefore, he did not deserve any sympathy whatsoever. He however, states that the petitioner is a first time offender, in custody since 17.03.2023 and none of the 16 prosecution witnesses had been examined.

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. The veracity of the prosecution case against the petitioner shall be established during the course of Trial. Nothing significant has been pointed out by the State that the petitioner would abscond from the Trial, tamper with the evidence or influence the witnesses if he is granted the concession of regular bail. As the petitioner is in custody since 17.03.2023 and none of the 16 prosecution witnesses have been examined so far, the Trial of the present case is not likely to be concluded anytime soon. Therefore, his further incarceration is not required more so as his co-accused Anita Seth has already been granted the concession of bail.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Gurmej Singh** son of Sh. Jaswant Singh is ordered to be released on bail subject to her furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioner (or anyone on her behalf) shall prepare an FDR in the sum of Rs.50,000/- 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

petitioner from the trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 23, 2023
Vinay

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