

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

CRM-M-42508-2023

Date of decision : 04.09.2023

JATINDER SINGH @ KAKA

....Petitioner

Versus

THE STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Lovish Rattan, Advocate
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.132 dated 23rd of September, 2020 registered for the offences punishable under Section 379-B of the Indian Penal Code (Sections 341, 201, 120-B IPC added later on) at Police Station Jhander, District Amritsar.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. Counsel for the petitioner submits that the petitioner was earlier admitted to bail by the lower Court vide order dated 6th of January, 2021. However, due to absence on 28th of October, 2022 the bail bonds and surety bonds stand cancelled and forfeited to State and Non Bailable Warrants were issued *qua* the petitioner. Counsel further submits that the

absence on 28th of October, 2022 was not deliberate but owing to the fact that the petitioner was arrested in another FIR No.96 dated 18th of August, 2022. In the said case the petitioner stands admitted to bail by this Court vide order dated 27th of March, 2023 passed in CRM-M No.8263 of 2023 observing as under :

“The present FIR was registered on the basis of secret information received by the Assistant Sub Inspector Jagdish Singh to the effect that one Manjit Singh @ Sonu and Jatinder Singh @ Kaka used to give sureties in the Courts on the basis of forged documents and they have prepared forged documents to stand as surety for Rita Minhas and on that day, i.e. 18.08.2022, they were present near Kachehari Chowk, in the area of Chambers of lawyers and if the place is raided then these two persons can be apprehended with fake documents/identity cards etc. Finding the information reliable, a ruqa was sent to the police station for registration of FIR and a raid was conducted at the nominated place and after seeing the police party, accused tried to flee away but they were apprehended on spot. The apprehended persons disclosed their names as Manjit Singh @ Sonu and Jatinder Singh @ Kaka.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present FIR on the basis of a secret information only. It is further submitted that neither any money nor any mobile phone has been recovered from the petitioner as well as co-accused. Learned counsel submits that the petitioner has no role to play in the alleged occurrence. It is submitted that none of the documents allegedly recovered from petitioner has been determined to be fake one and there is nothing to show that the petitioner ever appeared before any Court or gave wrong surety in any Court. Learned counsel further submits that the petitioner is in custody since 18.08.2022; challan has already been presented on 24.11.2022 and even charges have been framed on 16.02.2023. Learned counsel submits that there are total 14 witnesses but none has been examined so far, thus, trial would take some time. It is submitted that co-accused, namely Charanjit Singh,

has been granted the concession of bail and the petitioner is ready to abide by all the conditions as may be imposed by this Court or by the trial Court; accordingly prayer for grant of regular bail is made.

Learned State counsel opposes the plea of petitioner for grant of regular bail on the ground of seriousness of the offence and also submits that the petitioner is involved in three other cases, however, it is not disputed that the petitioner has been in custody for more than seven months (as on 26.03.2023), challan stands submitted on 24.11.2022 and even charges have been framed in this case. It is also submitted that the co-accused, namely Charanjit Singh, has been granted default bail.

I have heard learned counsel for the parties and perused the paper book, status report as well as the custody certificate filed by learned State counsel.

Petitioner is a young boy of 25 years of age and he has been in custody for seven months and six days (as on 26.03.2023); challan stands presented on 24.11.2022 and charges have already been framed on 16.02.2023. The trial is likely to take long time and no useful purpose would be served by keeping the petitioner behind the bars.

So far as involvement of petitioner in three other cases is concerned, suffice it to say that the registration of other cases against the petitioner cannot be taken to be as the sole material consideration for the purpose of declining him the relief of bail. In this regard, reference can be made to the judgment rendered by Hon'ble Supreme Court in case of ***“Maulana Mohammed Amir Rashadi Vs. State of Uttar Pradesh and another”***, reported as ***(2012) 2 Supreme Court Cases, 382***, wherein it was observed as under:-

“It is not in dispute and highlighted that the second respondent is a sitting Member of Parliament facing several criminal cases. It is also not in dispute that most of the cases ended in acquittal for want of proper witnesses or pending trial. As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second

respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

Keeping in view the aforementioned circumstances, the instant petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the Trial Court/Illaqa Magistrate/Duty Magistrate concerned. However, the concerned Station House Officer shall be informed about the release of petitioner and the petitioner shall inform the concerned Station House Officer about his address at which he intends to reside during the pendency of case and any change in the address shall also be communicated to the concerned Station House Officer, forthwith. The petitioner would also furnish his telephone number to the concerned Station House Officer. He would also furnish his undertaking to the effect that he will not indulge in any illegal activity, during the pendency of the trial.”

4. I have heard counsel for the parties and have gone through records of the case.

5. Keeping in view the aforesaid peculiar facts and circumstances of the present case and in view of the fact that the FIR dated 18th of August, 2022 had come as a result of secret information and there is no role attributed to the petitioner in the said case as observed by this Court in the order dated 27th of March, 2023, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

6. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

September 04, 2023		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No