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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-45823-2023 (O & M)
Date of decision: 03.11.2023

Boota Singh

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Kamal Narula, Advocate,
for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.58 dated 19.07.2023 under Sections 420, 465, 467, 468, 471 and 120-B IPC registered at Police Station Badhni Kalan, District Moga.

2. The present FIR came to be registered on the basis of a secret information that the petitioner-Boota Singh in connivance with the officials of the Seva Kender, Badni Kalan, namely, Gurpreet Singh and Pardeep Singh used to prepare fake arms licences after getting money from the people. If a raid was conducted in their houses, they could be apprehended alongwith the forged and fabricated armed lincences.

Thereafter, a raid was conducted, the petitioner came to be apprehended and the recovery of forged armed licences came to be effected.

3. The learned counsel for the petitioner contends that the petitioner had been falsely implicated in the present case. He was merely a

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typist and by no stretch of imagination could have got prepared forged arms licences. As he was a first-time offender, in custody since 23.07.2023, none of the 35 prosecution witnesses had been examined so far and the case was triable by the Court of a Magistrate, he was entitled to the concession of bail.

4. The learned counsel for the petitioner, on the other hand, contends that serious allegations had been levelled against the petitioner that he alongwith the co-accused used to prepare fake armed licences. The gravity of the offence did not entitle the petitioner to the grant of regular bail. He, however, concedes that the petitioner was a first-time offender, in custody since 23.07.2023, none of the 35 prosecution witnesses had been examined so far and that the case is triable by the Court of a Magistrate.

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-M24033-2021(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 and his co-accused shall be adjudicated upon during the course of trial. The petitioner is a first-time offender, in custody since 23.07.2023, none of the 35 prosecution witnesses has been examined so far and the case is otherwise

triable by the Court of a Magistrate. No serious apprehension has been

expressed by the State that the petitioner would abscond from justice, tamper with the evidence or influence witnesses if granted the concession of bail. Therefore, the further incarceration of the petitioner is not required.

8. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Boota Singh, is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. In addition, the petitioner (or anyone on his 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 Trial without sufficient cause.

(JASJIT SINGH BEDI)
JUDGE

November 03, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No