

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50092-2023
DECIDED ON: 13.10.2023

KARAMJIT SINGH ALIAS SARPANCH
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. P.S. Dhaliwal, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked second time under Section 439 Cr.P.C., for grant of regular bail to the petitioner in case FIR No.368, dated 22.08.2022, under Section 419, 420, 465, 466, 467, 468, 471, 177, 120-B IPC, registered at Police Station City Barnala, District Barnala.

The role of the petitioner as well as the crux of the dispute can be narrated as has been depicted in the FIR, which reads as under:-

“Letter No. 432 dated 22 08.2022. From: Vijay Singh Dadwal, PCS, Judicial Magistrate First Class, Barnala (UID NO. PB0478). To, The SHO, P.S City-II Barnala. Subject:- To register FIR against (1) Gurpreet Singh son of Kirpal Singh, resident of Khuddi Kalan, Barnala, (2) Harnek Singh son of Jangir Singh, resident of Ward No. 2, Sanghera (Numberdar), (3) Bant Singh son of Karam Singh, resident of BV999, Raikot Road, Gandhi Nagar, Ward No. 8, Barnala and (4) Naresh Kumar son of Dev,

resident of B-XI/2664, Ram Bagh Road, Street No. 1, Barnala, Tehsil and District Barnala. This is for your information and necessary action that on dated 22.08.2022, in case titled as "Naresh Kumar Versus Ajaib Singh", bearing CNR NO. PBBR03-005216-2022 and CIS No. CRM/993/2022, accused Naresh Kumar (No. 4 above) tried to furnish his bail bonds and surety bonds in this Court in compliance of order of suspension of his sentence passed by the Court of Sh. Devinder Kumar Gupta, Learned Additional Sessions Judge, Barnala in case titled as Naresh Kumar Versus Ajaib Singh bearing CRA No. 66 of 2022 on dated 27.07.2022 and dated 12.08.2022. In the same, Gurpreet Singh (No. 1 above) stood as his surety by impersonating himself as Mohinder Singh son of Shamsher Singh, resident of Gali No. 4, Sekha Road, Barnala and by furnishing forged and fabricated Aadhar Card of that name and Harnek Singh (No. 2 above) and Bant Singh (No. 3 above) stood as witnesses to identify said Gurpreet Singh as Mohinder Singh. The surety bonds upon checking found suspicious and upon verification and after strictly asking from surety Mohinder Singh, he admitted that his name name is Gurpreet Singh and not Mohinder Singh and he also produced his original Aadhar Card and PAN Card in that name. Hence, it is apparent that the above named persons in order to cheat this court and for release of accused Naresh Kumar on bail, furnished forged and fabricated documents i.e Aadhar Card and Gurpreet Singh impersonated as Mohinder Singh and produced the jamabandi in the name of Mohinder Singh, supported with a wrong affidavit

affirming ownership over the property given as surety for the release of accused. Therefore, the above named persons have committed an offence under the relevant provisions of Indian Penal Code. Hence you are hereby directed to register an FIR against the following persons:- 1 Naresh Kumar son of Dev, resident of B-X1/2664, Ram Bagh Road, Street NO. 1, Barnala, Tehsil and District Barnala (Accused himself). 2. Gurpreet Singh son of Kirpal Singh, resident of Khuddi Kalan, Barnala (Surety) (Impersonated himself as Mohinder Singh son of Shamsher Singh, resident of Gali No. 4, Sekha Road, Barnala. 3. Harnek Singh son of Jangir Singh, resident of Ward No. 2, Sanghera (Numberdar). (Witness), 4. Bant Singh son of Karam Singh, resident of BV999, Raikot Road, Gandhi Nagar, ward No. 8, Barnala. (Witness) along with any other person found involved with them in the commission of crime, for the offence of impersonation, cheating, forgery and furnishing wrong information to the Court for the release of accused on bail along with others relevant provisions of law. You are further directed to send one copy of FIR to this court, immediately. Copy of the documents produced by the above stated persons is attached herewith, whereas the originals of the same are attached in file of case titled as "Naresh Kumar Versus Ajaib Singh", bearing CNR NO. PBBR03-005216-2022 and CIS No. CRM/993/2022 and the same can be procured from there. It is for your further information that Reader of this Court has been authorized to pursue the present case on the registration of FIR for further proceeding."

Learned counsel for the petitioner has vehemently argued that since the withdrawal of the earlier petition on 26.04.2023, thereafter charges stand framed on 20.05.2023 and the case was fixed for prosecution evidence on 05.10.2023 and 19.10.2023 but out of total 13 witnesses sited by the prosecution, none has been examined so far.

Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to the custody certificate, the petitioner is behind the bars for the last 9 months and 02 days. He further submits that the petitioner is an habitual offender, who is involved in various other cases, therefore does not deserve the concession of regular bail.

Be that as it may, considering the period already undergone by the petitioner and the facts that nothing is to be recovered from the petitioner; charges were framed on 20.05.2023 and out of total 13 prosecution witnesses, none has been examined till date, meaning thereby conclusion of trial will take sufficient long time, this Court is of the view that no fruitful purpose will be served by keeping the petitioner behind the bars for an indefinite period.

As far as the pendency of other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as ***“Baljinder Singh alias Rock vs. State of Punjab”*** decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would lend the petitioner in a

As far as the prayer for grant of bail to the petitioner is concerned, the petition stands allowed on that aspect and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

However, Registrar Judicial, Punjab and Haryana High Court is directed to summon the status report of the trial proceedings from the concerned Judicial Officer and place it before this Court on 20.11.2023.

13.10.2023

Sham

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>