

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

**CRM-M-60367-2022
DECIDED ON: 03.02.2023**

NARESH KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Ms. Angel Sharma, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail in FIR No.368, dated 22.08.2022, under Sections 419, 420, 465, 466, 467, 468, 471, 177 and 120-B of the IPC, 1860, registered at Police Station City Barnala, District Barnala (Annexure P-1).

In compliance of the last order dated 06.01.2023, Sandeep Kumar Malik, IPS, Senior Superintendent of Police, Barnala is present in Court who submits unconditional apology on the part of the Pervi Officer who appeared on the last date of hearing but was not aware about the present case at all. The Officer has assured this Court that it will not happen in future and the due assistance on the part of Investigating Officers will be provided to the Court.

In compliance with the order dated 06.01.2023, status report by way of an affidavit of Sandeep Kumar Malik, IPS, Senior Superintendent of Police, District Barnala on behalf of respondent No.1 has been filed which is taken on record. A copy of the same has been supplied to the learned counsel

for the petitioner.

Learned counsel for the petitioner contends that the allegations qua the petitioner are that he arranged one surety who impersonated himself as Mohinder Singh but originally his name is Gurpreet Singh.

The innocence has been pleaded on behalf of the petitioner stating that he checked the Aadhar Card of Gurpreet Singh while submitting bail bonds and actually had no intention of cheating or doing forgery. It has been stated by the learned counsel for the petitioner that he came to know about the said impersonation when the documents were verified by the trial Court wherein the affidavits were also furnished by Gurpreet Singh while impersonating as Mohinder Singh in a case wherein sentence of the petitioner was suspended vide order dated 12.08.2022 in appeal after conviction under Section 138 of Negotiable Instruments Act, 1881.

It has been further brought to the notice of this Court that in the instant FIR, challan stands presented and the case is fixed for PWs before the trial Court and the petitioner is stated to be in custody since 22.08.2022.

Notice of motion.

On the asking of Court, Mr. Mohit Kapoor, Addl. AG, Punjab accepts notice on behalf of respondent-State and produced the custody certificate which is taken on record.

Having considered the submissions made hereinabove and the fact that it is the second application for grant of regular bail before the Additional Sessions Judge, Barnala, the same was dismissed vide order dated 01.12.2022 (Annexure P-3).

The petitioner is behind the bars for the last 3 months and 25 days wherein nothing is to be recovered from him and the challan has been

presented. It is a matter on record that the trial is going on wherein prosecution evidence is being led and the same is likely to take time for conclusion in addition to the fact that two other co-accused namely Harnek Singh and Bant Singh have been granted bail by this Court vide orders dated 02.02.2023 passed in CRM-M-939-2023 and CRM-M-4161-2023 respectively.

Looking into the gravity of the offence and the ailments of the petitioner that he is suffering from Hernia and Asthma, who has already spent reasonable time in custody during the trial so far, this Court is of the considered view that the instant petition deserves to succeed. Accordingly, 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.

(SANDEEP MOUDGIL)
JUDGE

03.02.2023

Meenu/Poonam Negi

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