

CRM-M-58970-2023

2023:PHHC:151829

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(229)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-58970-2023

Date of Decision: 29.11.2023

DASHMESH SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Anupreet S Sidhu, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.128 dated 11.06.2021 registered under Sections 420, 465, 467, 468, 471 IPC, 1860 at Police Station Division No.4, District Patiala.

2. The present FIR came to be registered when a letter was sent by the CJM, Patiala to the SSP, Patiala with regard to furnishing of fake surety bonds on the basis of fake, forged and fabricated Aadhar Cards of different UID numbers. It is mentioned that a complaint was received by the District and Sessions Judge, Patiala which was got inquired into from the Court of the ADJ, Patiala. As per the reports submitted by the Court dated 07.05.2021, Gagandeep Singh and Dashmesh Singh (petitioner) were found to have given multiple sureties on the basis of fake Aadhar Cards. As per the inquiry conducted by the ADJ, Patiala, Gagandeep Singh stood surety in 10 cases and the petitioner was found to have 16 Aadhar Cards having different numbers.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case in connivance with the police. As the petitioner was a first-time offender, in custody since 27.07.2023 and none of the 13 prosecution witnesses had been examined so far, he was entitled to the concession of bail moreso when the case was triable by the Court of a Magistrate.

4. On the other hand, the learned State counsel contends that serious allegations have been levelled against the petitioner and his co-accused. The petitioner was found to have 16 Aadhar Cards with different numbers which would go to show that he was furnishing sureties in different Courts, identifying persons who were appearing as sureties and also producing different Aadhar Cards in different Courts. The act of the petitioner and his co-accused amounted to cheating of the Courts. Therefore, he was not entitled to the grant of bail. He, however, concedes that the petitioner was a first-time offender, in custody since 27.07.2023, none of the 13 prosecution witnesses had been examined so far as also the fact that the case was 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. Admittedly, the petitioner is stated to be a first-time offender, in custody since 27.07.2023 and none of the 13 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. There are no serious apprehensions 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, in this situation, the further incarceration of the petitioner is not required.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Dashmesh Singh son of Bhag Singh is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. 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

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

29.11.2023

JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No