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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-1077-2024 (O & M)
Date of decision: 15.01.2024

Harmander Singh	 Petitioner
V/s	
State of Punjab	...Respondent

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Arshdeep Singh Brar, 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 Boota Singh (since granted bail vide order dated 03.11.2023 passed in CRM-M-45823-2023) in connivance with the officials of the Seva Kender, Badni Kalan, namely, Gurpreet Singh (since granted bail vide order dated 12.01.2024 passed in CRM-M-882-2024) and Pardeep Singh (since granted bail vide order dated 20.11.2023 passed in CRM-M-57027-2023) 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 licences.

Thereafter, a raid was conducted and the accused came to be apprehended. On their disclosure statement, the petitioner came to be nominated as an accused and on his arrest, 01 fake arms licence and 03 fake I.D. cards came to be recovered.

3. The learned counsel for the petitioner contends that the petitioner had been falsely implicated in the present case. Three co-accused, namely, Boota Singh, Pardeep Singh and Gurpreet Singh had been granted the concession of bail. As he was a first-time offender, in custody since 19.07.2023, 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 State, on the other hand, contends that serious allegations had been levelled against the petitioner that he alongwith the co-accused used to prepare fake arms 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 19.07.2023, 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 19.07.2023, 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, moreso, when three co-accused, namely, Boota Singh, Pardeep Singh and Gurpreet Singh have already been granted the concession of bail.

8. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Harmander 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

January 15, 2024
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No