

2024:PHHC:031182

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRM-M-4391-2024

Date of Decision : March 05, 2024

RAJPAL @ PALA

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Ms.Bhupinder Kaur Bhangu, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.246, dated 17.09.2022, under Sections 419, 420, 465, 467, 468 and 471 of the IPC, registered at Police Station Sultanpur Lodhi, District Kapurthala.

2. As per the facts of the present case, petitioner was facing trial in case FIR no.93, dated 09.07.2020, under Section 379 of the IPC, registered at Police Station Talwandi Chaudharian, District Kapurthala, in which he was granted the benefit of regular bail and on dated 05.05.2023, the bail so granted to the petitioner was cancelled for non-appearance of the present petitioner, and notice was issued to the person who stood surety at the time of granting bail in aforesaid FIR No.93/2020, i.e. one Gurdev Singh son of Jagat Singh, resident of Khojewal, District Kapurthala. He appeared before the learned trial Court concerned, in pursuance of the notice issued and submitted before that Court that he never stood as surety for the accused-Rajpal (present petitioner), and in

fact someone else has impersonated him and furnished forged and fabricated documents of the property belonging to him, for completing the formalities of surety. Even the photographs of Gurdev Singh as well as Lambardar, who is stated to have identified the surety, is also found to be photograph of some other person.

3. Because of the act of securing of regular bail by furnishing forged and fabricated surety bonds, the instant FIR was registered on a complaint made by the learned trial Court concerned.

4. Learned counsel for the petitioner has not addressed the arguments on merits, rather she mainly rests her arguments to ask the relief of regular bail on the period of custody, as the petitioner has already suffered incarceration of about one year as on today.

5. She further submits that in the main case/FIR no.93/2020 (*supra*), in which the petitioner is alleged to have submitted the forged and fabricated surety bonds, has already earned acquittal by the learned trial Court concerned, vide order dated 08.08.2023.

6. Learned State counsel vociferously opposed the asked for relief, and has placed on record a custody certificate *qua* the petitioner, which is taken on record. A perusal of the same reveals that the petitioner has suffered incarceration of 1 year and 27 days as on today, and he is shown to have been involved 9 other criminal cases, however, out of these cases, in 8 cases he has already completed his sentence, and only in one case the trial is pending.

7. He submits, on instructions, that after investigation *challan* has already been presented on dated 17.12.2022, and thereupon, charges

have already been framed, and out of the total 08 prosecution witnesses cited by the prosecution, none has been examined till date.

8. This Court has heard the learned counsel for both the parties concerned, and has gone through the entire case file.

9. Considering that the trial will take long time to conclude and it is a magisterial trial, and the petitioner has already suffered incarceration for 1 year and 27 days as on today, and out of the total 08 prosecution witnesses, none has been examined so far, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

10. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

March 05, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No