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(218)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8108-2024

Date of Decision: 23.07.2024

RAJ BAHADUR @ BAHADUR SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Paras Jagga, Advocate
for the petitioner.

Ms. Ramta K Chaudhary, DAG, 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.0071 dated 15.05.2023 registered under Sections 420, 465, 467, 468, 471, 120-B IPC, 1860 at Police Station Division No.4, District Patiala.

2. The present FIR came to be registered at the instance of Surjit Singh son of Late Balwant Singh and the same reads as under:-

“At this time one statement of Surjit Singh son of late Balwant Singh resident of Rohti Mouran, Tehsil Nabha, District Patiala, aged about 66 years, through ASI Jasvir Singh, P.S. Lahori Gate Patiala for registration of FIR under section 420, 465, 467, 468, 471, 120-B of IPC against Raj Bahadur Singh son of Hari Singh resident of Ladha Heri, Tehsil Nabha, District Patiala, Satnam Singh @ Rinku



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son of Rajinder Parshad, Resident of Village Nohra, Tehsil Nabha, District Patiala, witness Malkiat Singh son of Mahinder Singh Mander Patiala and Hans Raj son of Sardari Lal, resident of Village Dharamkot through PHG Bhagwan Dass received, the subject of which is, "it is stated that I am resident of above said addres and doing agriculture. I have 7 acre land. I have 4 daughters and 2 sons who are married, I had received a notice from the Hon'ble court of Monica Sharma ACJM Patiala that I have furnished bail bonds for Hans Raj son of Sardari Lal resident of Village Dharamkot Patiala in FIR No.8 dated 21.01.2022 under section 61-1-14, 78(2) Excise Act, P.S. Sadar Patiala for Rs.35,000/-. The Hon'ble Court had sent the notice for appearance on 15.05.2023 but today I approached in the Hon'ble Court of Sh. Atul Kamboj, ACJM, Patiala and judge asked to deposit the amount of Rs.35,000/- for bail then I told that I had not furnished bail bonds of anybody and judge examined the record and recorded my statement. Now I have come to know that Numberdar Bahadur Singh son of Hari Singh resident of Village Rohti Mauran, Tehsil Nabha and witness Malkiat Singh son of Mahinder Singh Mander Patiala at my place by affixing the photo of another person, by preparing forged documents had obtained bail for Hans Raj in the above said FIR. I have also enquired about them at my own level and the person named Number Bahadur Singh, his actual name is Raj Bahadur Singh son of Hari Singh, resident of Village Ladhaheeri, Tehsil & District Patiala and against my name the person who had affixed wrong photo his name is Satnam Singh @ Rinku, son of Rajinder Parshad, resident of Village Nohra, Tehsil Nabha, District Patiala. I can recognize them



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on their coming in front of me. By taking the copy of Jamabandi of my land by bheating for getting bail for above said Hans Raj, appropriate legal action be taken against Raj Bahadur Singh son of Hari Singh, Satnam Singh @ Rinku son of Rajinder Parshad, witness Malkiat Singh son of Mahinder Singh Mander Patiala and Hans Raj son of Sardari Lal resident of Village Dharamkot Patiala. Statement has been got recorded with you, which has been heard and read, the same is correct. Sd/- Surjit Singh. ”

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. Nothing had been recovered from the petitioner and the false document had been prepared by unknown persons. A co-accused of the petitioner namely, Satnam Singh had been granted the concession of bail by this Court vide order dated 25.09.2023 (Annexure P-3). As he was in custody since 07.11.2023 but none of the 14 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

4. A status report dated 20.07.2024 by way of an affidavit of Mandeep Kaur, Deputy Superintendent of Police, City-I, Patiala has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. While referring to the said reply, she contends that as per the case of the prosecution, the petitioner-Raj Bahadur @ Bahadur Singh, being the Lambardar of village Rohti Mouran, Tehsil Nabha, identified the surety Surjeet Singh son of Balwant Singh of village Rohti Mouran, Tehsil Nabha



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and during investigation it came to be light that the petitioner had forged the identity card of the Lambardar as Bahadar Singh whereas the actual name of the petitioner was Raj Bahadar Singh. Other than the instant case, there were other cases pending against the petitioner. Therefore, he was not entitled to the concession of bail. She, however, concedes that the petitioner was in custody since 07.11.2023, none of the 14 prosecution witnesses had been examined so far and that a co-accused Satnam Singh had been granted the concession of bail.

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 the Trial. Admittedly, the petitioner is in custody since 07.11.2023 but none of the 14 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



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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-Raj Bahadur @ Bahadur 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 shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

10. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- 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

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

23.07.2024

JITESH

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