

CRM-M-17698-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17698-2024
Reserved on: 01.08.2024
Pronounced on: 30.08.2024

Nitin ...Petitioner

Versus

State of U.T. Chandigarh ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Naveen Siwach, Advocate
for the petitioner.

Mr. Manish Bansal, PP, UT Chandigarh with
Mr. Navjit Singh, Advocate and
Mr. Shuarya Nagpal, Advocate
for the respondent-UT.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
422	15.11.2023	Sector 36, Chandigarh	419, 420, 467, 468, 471, 120-B IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, 1973, seeking regular bail.
2. In paragraph 10 of the bail petition, the accused declares that he has no criminal antecedents.
3. Facts of the case are being taken from status report dated 17.07.2024, which reads as under:-

“3. That the brief facts of the case are that instant case, FIR No.0422 dated 15.11.2023 under Sections 419/420/467/468/471/120-B IPC, P.S. Sector 36 Chandigarh, was registered on the basis of written complaint made by the Reader to the Court of Sh. Jaibir Singh, the then Learned Additional Sessions Judge, Chandigarh, wherein it was alleged that one person Talwinder Kumar appeared before the Id. Court and tried to furnish his surety/bail bonds, affidavit, Aadhar Card of Talwinder and report pertaining to land valuation report issued by Halqa Patwari for grant of bail to accused Kapil involved in FIR No.98/2023 u/s 397, 411 IPC, P.S. 34 and another person Nitin also identified him as Talwinder Kumar before the Hon’ble Court. However, during verification, it found that the person presenting

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himself is not Talwinder Kumar and his original name is Balkrishan @ Aman. Thereafter, both the above said persons were detained and handed over to the police by the Court of Ld. Additional Sessions Judge, Chandigarh and the instant FIR was registered against the accused persons. Bal Krishan @ Aman and Nitin were arrested from the Court at the spot.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State opposes the bail by making reference to role of the petitioner as mentioned in the status report dated 17.07.2024, which reads as under:-

“That the present petitioner Nitin was arrested in the above said case which was lodged by the Reader of the Ld. Addl. Sessions Court, Chandigarh as the accused persons tried to identify other co accused Bal Krishan @Aman as Talwinder Kumar and tried to furnish surety/bail bonds on the basis of forged documents. The present petitioner on the allurements of Billa, Sonu and other co-accused persons identified the co-accused Balkrishan @ Aman who impersonated himself as Talwinder Kumar and was accompanied by Nitin (present petitioner) for furnishing fake surety of one accused Kapil who is involved in another case FIR No. 98/2023 Under Sections 397,411 of IPC PS-34. The present petitioner was apprehended at the spot in the court itself.

8. That the present petitioner should not be granted bail as petitioner knowingly engaged himself along with other co-accused in an illegal act and in identified fake surety for furnishing surety bonds in the Courts for accused persons who are involved in other cases.”

6. As per paragraph 8 of the bail petition, the petitioner has been in custody since 15.11.2023. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order.

7. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

8. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and in case of unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

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9. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

10. This order is subject to the petitioner’s complying with the following terms. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

11. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

12. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

13. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

30.08.2024
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Whether speaking/reasoned: Yes
Whether reportable: No.