



232

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26759-2024

Date of Decision: 16.07.2024

Surjit Singh @ Surjeet Singh

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Navjot Singh, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.448 dated 21.11.2023 registered under Sections 120-B, 420, 467, 468 and 471 of IPC, at Police Station, Sector-7, Panchkula.
2. The FIR in the present case was registered on the basis of the complaint moved by the Sessions Judge, Panchkula and the same has been reproduced below:-

“Respected sir, an order was received from the Hon'ble Court of Shri. Ved Parkash Sirohi, Sessions Judge, Panchkula in the office of Commissioner of Police Panchkula Vide dairy no.10693/0 dated 25.10.2023 for registration of FIR, contents of which are as follows: CNR No. HRPK01001277-2023 Case No.SC/34/2023 SC 34 State Versus Harvinder Singh Ors. Present: Sh. Arvind Kumar, Public Prosecutor for the State. Applicant Harpinder Singh represented by Shri Rakesh Nuniwal



and Nihal Chand, Advocates. Accused Harvinder Singh on bail represented by Shri Bharat Bhushan Chaudhary, Advocate. Accused Liyakat Ali on bail represented by Shri Bharat Bhushan Chaudhary, Advocate. Accused Prince Thakur on bail represented by Shri Bharat Bhushan Chaudhary, Advocate. Accused Piyush in custody represented by Shri Kamal Joshi, Advocate. Accused Nasirudeen on bail represented by Shri Suneel Sharma, Advocate. On 28.08.2023, Harpinder Singh filed an application for cancellation of surety bonds in FIR No.632 dated 18.11.2022, under Sections 395, 379-B, 341, 506, 201, 34 of IPC lodged at Police Station Pinjore and for issuance of directions to the concerned Revenue Department to remove the red mark entry on his property. The application was ordered to be put up on the date fixed i.e. 05.10.2023 (today). It is submitted that the applicant Harpinder Singh never stood as surety on behalf of the accused Piyush in this case. He has no acquaintance with the accused Piyush and any of his family member or relative. On 24.08.2023 he visited the office of Tehsildar office, Kharar for approval of few documents related to his land as he was applying for agricultural loan from the bank. When he appeared before the Tehsildar, he was intimated by the revenue authorities that his property has been marked under red entry in revenue records as he has stood as surety in the said FIR. The applicant is owner of the land bearing Khewat/Khatauni No.153/164, Khasra No.454/1-1137/300(4-0) of 77/160 share from 01 kanal 18.5 marla situated in V.P.O. Daun Majra, Kharar, District SAS Nagar (Mohali) as mentioned in the said surety bond but he never stood surety for the accused. The surety in the said FIR has impersonated him and also forged the documents of land, copy of Adhar Card and driving licence. Therefore, the red entry made in the revenue record pertaining to his land be ordered to be removed/ deleted. Heard. The perusal of the documents placed on file with the surety bond reveals that a fake surety has been produced by the accused Piyush or his family



members before the Court by forging the revenue record, Adhar Card and driving licence in the name of applicant Harpinder Singh. The photograph of the surety-on-surety bond and on Adhar Card does not match with the applicant Harpinder Singh. The Adhar Card number of the applicant Harpinder Singh and that of the fake surety does not match, thus the material available on file indicates towards the fact that applicant Harpinder Singh has been impersonated by someone in connivance with the identifier of the surety, accused Piyush and his family members who arranged the fake surety. Therefore, in such circumstances, Tehsildar /Revenue Authority, Kharar, District SAS Nagar, Mohali is directed to remove the red entry from the revenue record pertaining to the land of applicant Harpinder Singh mentioned above. The copy of this order be sent to DCP Headquarter, Panchkula for registering the FIR and investigation of the case against the persons involved in the production of the fake surety before this Court. As accused Piyush has produced a fake surety, therefore, the fake surety bond furnished by him stands cancelled and he is ordered to be taken into custody. Fresh power of attorney on behalf of accused Harvinder Singh, Liyakat Ali and Prince Thakur filed. Two PWs namely Monu and Amit Dogra Nodal Officer Reliance Jio are present and examined as PW1 and PW2 respectively. PW Kamaldeen is present but not examined as the court remained busy in recording evidence in another murder case. Therefore, present PW is discharged for today. PWs Director FSL, Madhuban, Nodal officer Vodafone not present despite service. They be summoned through bailable warrants in the sum They be summoned through bailable warrants in the sum of 5,000/- each with one surety in the like amount and notice under Section 350 Cr.P.C. against them and summons to PWs mentioned at serial Nos. 1, 3, 7 and 17 in the list of witnesses be issued for 18.01.2024. October 05, 2023. SD/- (Ved Parkash Sirohi) Sessions Judge, Panchkula.”



3. Learned counsel for the petitioner contends that only allegation levelled against the petitioner is that an unknown person had stood as a surety on behalf of Piyush, the accused and had impersonated as Harpinder Singh. The petitioner had allegedly identified the unknown person as Harpinder Singh. Learned counsel submits that he has been wrongly arrayed as an accused in the present case and no offence under Sections 420, 467, 468 of IPC is made out against the petitioner. He further contends that the entire case hinges on documentary evidence, which has already been taken into possession by the police and the investigation is almost complete in the present case. He further contends that Mrs. Nishu, wife of the petitioner is having the pregnancy of 07 months and no other male member is available to attend her.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against him and he is not entitled to be released on bail.

5. I have heard the learned counsel for the parties and perused the record.

6. In the present case, no doubt, the allegations levelled against the present petitioner are serious in nature, but all the offences are triable by the Court of Magistrate. Still further, the petitioner is continuing in custody for the last more than 2 months and the documentary evidence has already been recovered by the police. Thus, the petitioner is the first offender and no purpose will be served by keeping the petitioner behind bars.



7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

16.07.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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