



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.30584 of 2024
Date of Decision: 02.07.2024

Paramjeet Kaur ... Petitioner
Versus
State of U.T. Chandigarh ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. H.S. Dhindsa, Advocate,
for the petitioner.

Mr. Manish Bansal, P.P. U.T. Chandigarh.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed under Section 439 of Cr.P.C. by the petitioner seeking grant of regular bail in case arising out of FIR No.460 dated 16.12.2023 registered under Sections 420, 467, 468, 471 and 120-B of IPC at Police Station Sector-36, Chandigarh.
2. Brief facts of the case relevant for the purpose of disposal of the present petition are that one Shubham son of co-accused Sushila was in custody in case arising out of FIR No.91 of 2022 registered at Police Station Sector-17, Chandigarh. Bail was granted to him by the Court of learned Additional Sessions Judge, Chandigarh subject to his furnishing personal as well as surety bonds. As per the allegations, the present petitioner by impersonating herself as one Gurpreet Kaur on the basis of fake Aadhar card issued in the name of said Gurpreet Kaur stood as surety for the above named Shubham and she was identified by the co-accused Sushila mother of Shubham as such. The bail of Shubham was

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subsequently cancelled and non-bailable warrants were issued against him on 21.11.2023. He surrendered on 08.12.2023 and at that time Smt. Sushila who appeared as mother of Shubham and identifier of the surety, disclosed that she did not know as to who had furnished surety bonds for release of her son on bail. The Court of learned Additional Sessions Judge by observing that the matter required probe as apparently surety bonds had been furnished by some fake surety, sent the case for conducting inquiry to the police. On the basis of the order so passed by the Court of learned Additional Sessions Judge on 16.12.2023, the FIR of this case was registered. Investigation proceedings were initiated. During investigation, it was found that the present petitioner by impersonating herself as Gurpreet Kaur and by using a fake Aadhar card issued in the name of the latter, had stood surety for accused Shubham in case bearing FIR No.91. She was arrested on 09.02.2024. She moved application for grant of bail before the learned trial Magistrate which was dismissed on 15.05.2024. The application for grant of regular bail filed by her before the Court of learned Additional Sessions Judge, Chandigarh was dismissed on 28.05.2024.

3. Learned counsel for the petitioner has argued that she has been falsely implicated in this case. She had been nominated on the basis of statement of the co-accused Sushila. The fake Aadhar card was recovered from the custody of the co-accused Sushila and Nirmala Rani. The accused Sushila has since been extended benefit of bail. Investigation has since been completed. Challan has been presented in the Court. The custodial interrogation of the petitioner is not required. Trial is likely to take time. No useful purpose would be served by detaining her in custody. Therefore, it is

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argued that she deserves to be given concession of bail.

4. Per contra, it is argued by learned Public Prosecutor, U.T., Chandigarh that there are serious and specific allegations against the petitioner who by using a fake Aadhar card shown to be issued in the name of one Gurpreet Kaur stood as surety for accused one Shubham who was accused in case bearing FIR No.91 of 2022 registered at Police Station Sector-17, Chandigarh and not only hoodwinked the Court but also the criminal justice delivery system. He argued that there are chances of petitioner's committing similar offences if extended benefit of bail. Moreover, there are also chances of her fleeing, absconding or intimidating the witnesses who are yet to be examined. As such, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned Public Prosecutor, U.T., Chandigarh.

6. The petitioner is alleged to have furnished surety bonds in case bearing FIR No.91 of 2022 registered at Police Station Sector 17, Chandigarh against one Shubham by using a fake Aadhar card in the name of Gurpreet Kaur and by impersonating herself as the said Gurpreet Kaur. It is apparent that she had done so in connivance with the co-accused to cheat the Court and to produce false evidence before it by committing forgery and use of forged document. Co-accused Sushila who stood identifier for the petitioner has been extended benefit of bail. However, the case of the petitioner cannot be stated to be at parity with the case of the co-accused. There are serious allegations against the petitioner. The apprehension at this stage that she may commit similar offences again and may abscond cannot

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be stated to be unfounded. The prosecution witnesses are yet to be examined. Keeping in view the gravity of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petition does not deserve to be allowed at this stage. Hence, the same is dismissed.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

02.07.2024
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(MANISHA BATRA)
JUDGE

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