



224/2 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
 AT CHANDIGARH

Date of decision:22.07.2024

(i) CRM-M-33658-2024

Vijay Kumar @ Lucky ...Petitioner

VS.

State of Punjab ...Respondent

(ii) CRM-M-33670-2024

Pawan Kumar @ Tony ...Petitioner

VS.

State of Punjab ... Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Kanwaljeet Singh, Advocate
for the petitioner in CRM-M-33658-2024.

Mr. Jitender Singh Dadwal, Advocate
for the petitioner in CRM-M-33670-2024.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J.

1. This order shall dispose of above-said two petitions i.e. CRM-M-33658-2024, titled as Vijay Kumar @ Lucky Vs. State of Punjab and CRM-M-33670-2024 titled as Pawan Kumar @ Tony Vs. State of Punjab, whereby the petitioners have prayed for grant of bail to them in case FIR No. 16 dated 10.02.2024 registered under Sections 419, 420, 465, 467, 468, 471, 120-B of IPC, 1860, at Police Station Dakha, District Ludhiana Rural.

2. The FIR in the present case was registered on the basis of the complaint moved by ASI, Sukhdev Singh and the same has been reproduced



below:-

“Officer Police Station Dakha, Jai Hind! Today I ASI Along with HC Sukhdev Singh No. 211, C Tejinder Singh No. 216 and C Barinderjit Singh No. 966 with the laptop and printer on vehicle bearing no. PB-65-BF-8609 were present at Main GT Road Moga, Ludhiana T Point, village Mandiani in connection with search of suspicious persons, then the special informant informed me in separate that Manjit Singh son of Harchand Singh resident of Preet Nagar, Shimlapuri Ludhiana, Mandeep Singh son of Avtar Singh resident of Basant Nagar, Shimlapuri Ludhiana, Vijay Kumar son Bachan Lal, a resident of Jawahar Nagar Camp, Ludhiana, who all three took money and prepared fake documents in someone's name to give surety to the accused confined in jail and got released Accused Bobby son of Pappu, a resident of Golkheri Police Station, Bodha district, Rajgarh, Madhya Pradesh from the jail in FIR no. 14 dated 30.01.2023 u/s 457,380 IPC PS Dakha, who is still waiting for someone at the bus stand Mullanpur to give surety on fake document at Shimlapuri Ludhiana by hatching conspiracy with someone. If he is raided and arrested now, then fake documents may be recovered. The information is true and reliable. The act of Manjit Singh, Mandeep Singh and Vijay Kumar above said, by producing forged documents and obtaining bail of the accused from the Hon'ble Courts fulfills the conditions of offences of Section 419, 420, 465, 467, 468, 471, 120B IPC. Therefore ruqa has been sent to police station through C. Barinderjit Singh no. 966 by hand to register a FIR against Manjit Singh, Mandeep Singh and Vijay Kumar for above said offence. The FIR number should be informed after registering the case. Information be given on DCR. I ASI along with fellow employees are going to be busy on the spot. Today, present at Village Mandiani at 4:30 PM Sd/- Sukhdev Singh ASI CIA Staff Jagraon, District Ludhiana Rural date



10.02.2024”

3. Learned counsel for the petitioners contend that the petitioners had never appeared as sureties/witnesses in any Court of law nor they had tendered any forged documents for releasing the accused from jail. They further submit that even the police could not collect any evidence during the course of investigation to show that the petitioners had arranged sureties for any accused in the present case and no such witnesses have been found. Learned counsel further contend that Vijay Kumar @ Lucky was arrested in the instant case on 10.02.2024, whereas Pawan Kumar @ Tony was arrested in the instant case on 11.02.2024. Learned counsel further contend that in the present case, challan has already been presented before the competent Court of law. The prosecution has placed reliance on 12 witnesses, but no witness has been examined so far.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioners on the ground that serious allegations have been levelled against the present petitioners and several incriminating documents have already been collected from them. However, he admits that no witness has been examined so far.

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

6. It is not in dispute that the petitioners are in custody for the last more than 05 months and all the offences are triable by the Court of Magistrate. Apart from that, the prosecution has not been able to examine even a single witness so far and the conclusion of the trial may take quite a long time.

7. Without commenting any further on the merits of the case, both the petitions are allowed and the petitioners are ordered to be released on bail



subject to their furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade them to disclose such facts to the Court or to any other authority.
- (ii) The petitioners shall remain present before the Court on the dates fixed for hearing of the case.
- (iii) The petitioners shall not absent themselves from the Court proceedings except on the prior permission of the Court concerned.
- (iv) The petitioners shall surrender their passports, if any, (if already not surrendered), and in case they are not holder of the same, they shall swear an affidavit to that effect.
- (v) The petitioners shall also file their affidavit before the concerned Court, mentioning their ordinary place of residence and number of mobile phone, which shall be used by them during the pendency of the trial. In case of change of place of residence/mobile number, they shall share the details with the concerned Court/learned Trial Court.
- (vi) In case, the petitioners involve in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.
- (vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioners.

22.07.2024
hemlata

(N.S.SHEKHAWAT)
JUDGE

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