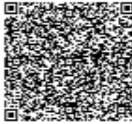


2024:PHHC:141863



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

130+217

**CRM M-33445 of 2024 (O&M)
Date of Decision: 23.10.2024**

Sarabjit Singh		...Petitioner
	Versus	
State of Punjab		... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Vipul Jindal, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

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 a regular bail in case FIR No.280 dated 22.09.2023 registered under Sections 419, 420, 467, 468, 471, 474, 120-B IPC and Sections 25, 27-54-59 of Arms Act at Police Station City Kharar, District SAS Nagar (Mohali).
2. The FIR in the present case has been registered on the basis of the statement made by SI Gurpartap Singh and the same has been reproduced as under:-

“Respected Sir, Chief Police Officer, City Kharar. Jai Hind. Today I SI along with ASI Gurdeep Singh No.1367/SAS, ASI Gurpreet Singh No. 975/SAS, C-2 Om Parkash No.1131/SAS, C-Jaswant Singh No.2304/SAS while patrolling on official vehicle No.PB-65-AH-3661 being driven by driver C-Gurbaj Singh No.2072/SAS on reaching near Shivjot Enclave main road, Kharar then one patriotic person/man came to him and asked him to come to one side and informed him that one Sarabjit Singh Sandhu s/o Baldev Singh r/o Achit Kot, P.S Gharinda, Amritsar has been involved in many cases of cheating which are registered against him in different Districts of Punjab. This person has one Fortuner bearing registration No.HR-70E-4673 and one Endeavour Car bearing registration No. CH-01-BS-2020 and one more Endeavour car bearing registration No. HP-39D-6680 which are luxury cars owned by Sarabjit Singh. He uses these cars vehicles by putting up flags of Chief Secretary, Haryana after affixing red light atop the cars. He uses one pilot car (the escort vehicle) also having the flag atop pretending himself to be VIP person with private security men who are all ex-army men having licensed Arms. But the security men do not know or have knowledge about the works or the character of Sarabjit Singh but they always accompany him during his travelling. He has many forged identity cards of many senior officer for his use. He has also kept the wireless sets in his cars uses them to monitor his security. He has given his fake address of Rajpura, Patiala and also got one arms license from Patiala. He

also has one .45 bore pistol. This person under the garb of having luxury cars and security personals showing himself to be one of the respectable person but runs an immigration business and cheats the innocent people by asking them to their passports by affixing forged stamps on the passports and forged visas papers along with forged PRC cheats the general public on pretext of sending them abroad. He has earned crores of rupees and has made moveable and immoveable properties worth crores of rupees. Now this person is coming back from Kurali side in all his luxury cars with VIP flags and red/blue lights atop them. He has kept one brief case in his car which has the passports of the customers along with fake identity cards of VIP's bearing his name along with forged PRC etc. If the vehicles are checked than all the above mentioned documents, fake identities and other documents can be recovered from his cars. The information being passed on to me by a reliable source. So, the slip/ruqa is being sent to your good self for the registration of case under Sections 406, 419, 420, 467, 468, 471 and 474 IPC and under Sections 25, 27, 54 and 59 Arms act by hand through Constable Gurbaz Singh and after the registration of the FIR, IO be informed of the same and the information be also forwarded to the senior officers of the department as well as the control room be also informed. I along with the other officials are on the spot near Shivjot Enclave main road, Kharar time 4PM sd/- SI Gurpartan Singh”.

3. Learned counsel for the petitioner contends that false allegations have been levelled against the petitioner and he had not cheated the victim to the tune of Rs. 11 crores. However, after investigation, only an amount of Rs. 54 lacs had been recovered by the Investigating Officer. He further contends that even as per the case of the prosecution, the money was paid to different accused and the petitioner had only acted as a mediator in the present case. He further contends that the petitioner was arrested in the present case on 03.11.2023 and is in custody for the last more than one year. The investigation in the present case has already been completed by the police. Moreover, all the offences are triable by the Court of Magistrate and further custody of the petitioner is not required.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that there are serious allegations against the petitioner and the petitioner is not entitled for the concession of regular bail.

5. Learned State counsel further submits that the petitioner is facing 21 more cases and may abscond from the process of justice. However, he admits that co-accused Ravi Kumar Mishra and Rahul Kumar have already been granted the bail by this Court.

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

7. No doubt, the allegations levelled against the petitioner point towards the seriousness of the offence, however, the petitioner is continuing in custody for almost more than one year as an undertrial prisoner. Even, the case is primarily based on the testimonies of the official witnesses and the petitioner is not in a position to influence the witnesses. Further, the offences are triable by the Court of Magistrate and there are no chances of early conclusion of the trial. Moreover, the Hon'ble Supreme Court in the matter of ***Prabhakar Tewari Vs. State of U.P., and another 2020(1) R.C.R. (Criminal) 831*** has held that the pendency of several criminal cases against the accused cannot be the basis to refuse the prayer of bail. Similar observations have been made by the Hon'ble Supreme Court in the matter of ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another 2012(1) R.C.R. (Criminal) 586***. Still further, in the present case, the petitioner is in custody for such a long period.

7. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned subject to the following conditions:-

(i) The petitioner 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

him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner gets involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move an appropriate application for cancellation of bail granted to the present petitioner.

(vii) The concerned Court may insist two heavy local surties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

(viii) The petitioner shall report every 1st and 3rd Monday in English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark his

presence by making an entry in the Rojnamcha. In case, he does not report on every 1st and 3rd Monday before the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Punjab shall be at liberty to move an appropriate application in this regard.

8. CRM 40892 of 2024 also stands disposed off, accordingly.

23.10.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

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