

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.39292 of 2024
Reserved on: 16.10.2024
Pronounced on: 22.10.2024

Surjit Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Nirmaljeet Singh Sidhu, Advocate
for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
22	01.02.2023	Sadar Khanna, District Ludhiana	420, 406, 467, 468, 471, 472, 473, 474, 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. Per paragraph 25 of the bail application and custody certificate, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	26	23.03.2018	Under section 420 IPC	City Rampura, Bathinda
2.	2	03.01.2018	Under section 420 IPC	Mahil Kalan, Barnala
3.	582	26.11.2019	Under sections 406, 420, 465, 468, 471, 171, 467 IPC	HTM, Hisar
4.	26	23.03.2018	Under section 420 IPC	PS City Rampura District Bathinda
5.	241 of 2013	--	--	Amritsar Division
6.	9 of 2018	--	--	P.S. Bathinda

3. The facts and allegations are being taken from the translated copy of FIR in English, annexed with the petition, as Annexure P-1, which reads as follows:

"FIR No. 22 DATED: 01.02.2023

**U/S: 420/406/467/468/471/472/473/474/120-B OF IPC 1860
POLICE STATION: SADAR KHANNA
DISTRICT KHANNA**

FIRST INFORMATION CONTENTS:

Today one application No. PGD No. 34029 dated 19.09.2022 filed by Karnail Singh S/O Gurdev Singh R/O Village Turmuri, Police station Sadar Khanna, Tehsil Khanna, District Ludhiana has been received in the police station through post from the office of Senior Superintendent of Police. Khanna, after enquiry for registration of FIR against Surjit Singh S/O Mehal Singh and Mehal Singh S/O Dilip Singh residents of village Tibbi Kallan. Police station Mamdot, District Ferozepur now R/O Ward No. 13. Police station Doraha, District Ludhiana and Paramjeet Singh S/O Niranjana R/O Bharpooorgarh, Tehsil Amloh, District Fatehgarh Sahib. The details thereof are that, To Senior Superintendent of Police, Khanna. Sub: Application against Paramjeet Singh S/O unknown R/O Village Bharpooorgarh, Tehsil Amloh, District Fatehgarh Sahib. Mob. No. 94174-03001. Sir, It is requested that I, Karnail Singh S/O Gurdev Singh R/O Village Turmuri, Police station Sadar Khanna, Tehsil Khanna, District Ludhiana. That the above said Paramjeet Singh is son-in-law of my maternal uncle. Thus, I am on good terms with him. That the above said Paramjeet Singh came to our house.

One day above said Paramjeet Singh came to my house and started saying that his nephew Surjit Singh is posted as DIG in Railway. He said that he can get both my girls appointed on government job in railway department He has demanded an amount of Rs. 5 Lakh in lieu of the same. But I refused him. above said person assured me that complete responsibility will of his. Now we have the chance, because his nephew is on higher post. Upon several assurances by the above said person, I agreed with him. Above said person took the photocopy of the documents of my both daughters. Thereafter, this person demanded an amount of Rs. 40000/- from me. Upon this, On dated 07.02.2022, I have transferred an amount of Rs. 40000/- online to the above said person. The receipt thereof is attached. Upon receipt of amount, above said person assured us that he has started the process of the appointment of girls on government job in railway department. We may arrange remaining amount. Thereafter above said person demanded an amount of Rs. 3 Lakh from me. upon this on dated 27.02.2020, I have received an amount of Rs. 3 lakh on interest from Babu Kaur Chand. Thereafter, above said person took the remaining amount of Rs. 1,60,000/- from me in cash. That in the month of march 2020, above said person started saying to my daughters that their training is about to start and took my daughters to Delhi for 1 month. We have given expenditures to my daughters for one month. Thereafter, above said persons took them on the pretext of corona pandemic. Thereafter, above said persons continuously make excuse of corona pandemic. He lapsed so much time by making excuses. Now above said person is saying that now their nephew has transferred in the state. Therefore, your work is difficult to be done. When we demands money from him, that he will receive money from his nephew and then return the same. But the above said persons still make excuses and lapsed so much time. Now upon asking for several times, above said person clearly refused from returning my amount. He started saying that he will not return any amount. You can do whatever you can, further threatened that if I again demanded the amount, then he will indulge me in some false case. Thus the above said person took me into confidence and committed fraud of Rs. 5,00,000/- with me for getting appointed my both daughters on government job. It is therefore requested that appropriate legal action may kindly be taken against above said person. Justice be given to me. I

shall be thankful to you. Applicant. Sd/- Karnail Singh S/O Gurdev Singh R/O Village Turmuri, Police station Sadar Khanna, Tehsil Khanna, District."

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's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

"ROLE OF THE PETITIONER

(xi) The inquiry report mentioned with the role of the petitioner that the petitioner Surjit Singh, impersonating a police officer of the S.P. rank by wearing a uniform with two stars, presented a copy of his purported appointment letter, to the complainant Karnail Singh and Gurwinder Singh, falsely representing himself as a high-ranking officer in the Railway Police. The petitioner in connivance with co-accused Mahal Singh and Paramjeet Singh deceitfully induced the complainant to believe that the petitioner could secure employment in the Railway Police for his daughters, Sandeep Kaur and Pawanpreet Kaur, as well as his nephew, Gurwinder Singh, thereby fraudulently obtained a total Rs. 6,60,000/- from Karnail Singh and Rs. 3,00,000/- from Gurwinder Singh. During the inquiry, Karnail Singh submitted two photographs of the petitioner Surjit Singh dressed in a police uniform; in one, he was seen wearing the uniform of a police sub-inspector, and in the other, a khaki uniform with a lion emblem on the shoulders, along with a letter dated 28-07- 2014 from the Railway Recruitment Board bearing serial number 45/307464 and stamped with Surjit Singh's seal. The authenticity of this letter, was verified from the Railway Police Department during the inquiry and it was found that the petitioner Surjit Singh has never been an employee of the Railway Police and that no such appointment letter was ever issued to the petitioner.

(xii) It was recommended in the inquiry report to register FIR against petitioner Surjit Singh, Paramjit Singh and Mahal Singh U/s 420, 406, 467, 468, 471, 472, 473, 474, 120-B IPC as they in connivance with each other dishonestly induced, as detailed above, the complainant Karnail Singh, his daughters and his nephew and thereby received total Rs.9,60,000/- as detailed above.

5. That the abovementioned inquiry report was approved by the office of the Senior Superintendent of Police, Khanna and the present FIR was registered.

6. That on 02-03-2023 the co-accused Paramjeet Singh was arrested. On 30-10-2023 the petitioner Surjit Singh was arrested in the present case on production warrants. The co-accused Mahal Singh is yet to be arrested and he was declared Proclaimed offender by the Court of J.M.I.C, Khanna vide order dated 03-02-2024.

That after completion of the investigation, the final report against accused Paramjeet Singh and the petitioner Surjit Singh was produced on 06-02-2024. The prosecution cited 16 witnesses. The Charge was framed on 23-07-2024. No prosecution witness has been examined till date. Now the case is fixed for prosecution evidence for 21-09-2024.

8. That the evidence against the petitioner includes:

- Statements from the complainant Karnail Singh and other victims who were defrauded by the petitioner and his associates.
- Bank records showing the transfer of amounts to the account of the petitioner's father, Mehal Singh, from the victims.
- Emails sent from the petitioner's email ID, purporting to be official recruitment communications.
- Photographs of the petitioner in different police uniforms and a fake appointment letter, verified as forged by the Railway Police Department.
- Statements from witnesses corroborating the fraudulent activities, including former Sarpanch Baldev Singh, Harpal Singh, and Jarnail Singh, who attested to monetary transactions involving the petitioner."

7. Pre-trial incarceration should not be a replica of post-conviction sentencing. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, per paragraph 6 of the reply filed to the bail petition, the petitioner was arrested on 30-10-2023. 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 further pre-trial incarceration at this stage.

8. 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.

9. 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 due to 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.

10. 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)	
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11. This order is subject to the petitioner’s complying with the following terms.
12. 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.
13. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
14. 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.
15. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

22.10.2024
Sonia Puri

Whether speaking/reasoned: Yes
Whether reportable: No.