



CRM-M-44633-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-44633-2024
Date of decision: 11th November, 2024

Nirmala Rani

...Petitioner

Versus

Union Territory, Chandigarh

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rohit Sapehiya, Advocate with
Mr. Kripal Singh, Advocate for the petitioner.

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

MANISHA BATRA, J (ORAL):-

The instant petition has been filed 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 co-accused Paramjeet Kaur 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 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 co-accused Paramjeet Kaur 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. The accused Paramjit Kaur was arrested on 09.02.2024. She suffered a disclosure statement to the effect that on being instigated by the present petitioner-Nirmala Rani to stand surety by impersonating other persons and to get financial gains, she had impersonated herself as someone else. On the basis of disclosure statement so made by accused Paramjit Kaur, the present petitioner was nominated as an accused and was arrested on 10.02.2024. Investigation has been completed.

3. The present petition has been filed by the petitioner on the grounds and it is argued by her counsel that she has been involved in this



case on the basis of disclosure statement of co-accused Paramjit Kaur which cannot be considered to be admissible in evidence. She was neither named in the FIR nor there is any direct allegation against her. No evidence could be collected by the investigating officer connecting her with the subject offences. She is in custody since long. Trial is likely to take time. No useful purpose would be served by keeping her in custody anymore. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has been filed by respondent. Learned Public Prosecutor for Union Territory, Chandigarh, has argued that there are serious allegations against the petitioner as she instigated the co-accused Paramjit Kaur to impersonate some other persons and to furnish surety bonds. She was even found to be possession of one fake Aadhar Card issued in the name of Gurpreet Kaur who was impersonated by co-accused Paramjit Kaur. She has criminal antecedents as some other cases have also been registered against her. There are serious allegations against her. The trial is going at a proper pace. There are chances of petitioner's absconding or intimidating the witnesses, if extended benefit of bail. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have entered into a conspiracy with the co-accused Paramjit Kaur to stand surety in criminal cases by impersonating different persons. She is alleged to be found in possession of



a fake Aadhar Card. She is in custody since 10.02.2024. Investigation has since been completed. Trial is likely to take time as till date no witnesses has been examined by prosecution. There is no basis for the contention that the petitioner may abscond or intimidating the witnesses. The subject offences are triable by Magistrate. Keeping in view the nature of the allegations as levelled against the petitioner, the period of incarceration and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition deserves to be allowed and the petitioner is ordered to be released on bail subject to her furnishing two surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

11th November, 2024

Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |