

**CRM-M-46555-2024 (O&M)****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.****Sr. No. 130+217****Case No. : CRM-M-46555-2024 (O&M)****Date of Decision : October 16, 2024**

Baljinder Singh alias Aman

.... Petitioner

vs.

State of Punjab and another

.... Respondents

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Preetinder S. Ahluwalia, Advocate
with Mr. Gaurav Jain, Advocate
for the petitioner.

Mr. R. S. Bhatta, DAG, Punjab.

Mr. Jasdev Singh Mehndiratta, Advocate
with Mr. Manish Giri, Advocate
for the complainant-applicant/respondent no.2.

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GURBIR SINGH, J. :

1. **CRM-41142-2024** : This is application under Section 528 of the the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, for impleading applicant Amarjit Singh as respondent no.2 in the present petition. For the reasons mentioned in the application, the same is allowed and applicant/complainant Amarjit Singh is ordered to be impleaded as respondent no.2 to the main petition. 'Amended Memo of Parties' attached with the application is ordered to be taken on record, subject to all just

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exceptions. Registry is directed to tag the same at an appropriate place in the file.

2. **Main Case** : Prayer in this petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.53 dated 15.07.2024, under Sections 420, 465, 467, 468, 471, 120-B IPC, 1860, registered at Police Station Nurpur Bedi, District Rupnagar.

3. As per the allegations, the petitioner, being owner of Sai Stone Crusher, was involved in illegal mining in the area of Village Sawara, District Rupnagar and its neighbouring areas, on the basis of fake CR slips in connivance with the officials of the department concerned and in spite of documentary evidence available against him, no FIR was registered against him because of his powerful influence. Even the Executive Engineer, Hoshiarpur had written to the Executive Engineer, Mining Division, Shri Anandpur Sahib, about 40 fake CR slips having been prepared and used by the Sai Stone Crusher and the petitioner being owner of the same. Even thereafter, no action was taken against the petitioner. The complainant also alleged in the FIR that the petitioner was a known criminal and many FIRs were registered against him.

4. At the outset, learned counsel for the petitioner has submitted that the petitioner has been falsely implicated not only in the present case, but also in many other FIRs because of the fact that he is an eye-witness of a murder case and every attempt is being made to suppress his voice so that he

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is an Ex-MLA of District Rupnagar and is a senior political leader and is in powerful position in the State of Punjab. As far as 40 forged CR slips are concerned, the same were falsely prepared in order to implicate the petitioner. In this regard, the petitioner also filed reply dated 07.11.2023 (Annexure P-8) to the SDO, Water Drainage-cum-Mining Sub Division, Nurpur Bedi, wherein it was contended that the petitioner used to purchase gravel/material from Himachal Pradesh and the person, from whom the material was being bought, used to issue reality receipts but the petitioner was totally unaware that said receipt could have been bogus or fake receipts. In order show his bona fide, the petitioner also undertook to pay any outstanding recovery. It was further contended that the present FIR is nothing but another attempt to keep the petitioner behind bars and to pressurize him to come to the terms of compromise. It is further contended that there is no denial to the allegation that the petitioner is involved inasmuch as in nine FIRs but it is also true that untraced reports have been filed in three cases, in two cases, the petitioner was nominated as accused after a long delay when he was cited as witness in the murder case, in all other cases, he is even on bail. In view of all the afore-mentioned circumstances, learned counsel for the petitioner has argued that a plethora of criminal cases have been foisted upon the petitioner only due to political influence of complainant party. The petitioner is in custody since 16.08.2024. So, he may be granted concession of regular bail.

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State counsel has not filed any Status Report on behalf of respondent-State. However, learned State counsel has opposed the bail petition while arguing that the petitioner was involved in illegal mining in the area of Village Sawara, District Rupnagar and its neighbouring areas, on the basis of fake CR slips in connivance with the officials of the department concerned and even written communications were exchanged amongst the Government Authorities regarding 40 fake CR slips having been prepared and used by the firm of the petitioner namely Sai Stone Crusher. He has further contended that the petitioner is a known criminal and many FIRs having been registered against him, he does not deserve concession of bail.

6. Heard.

7. The allegations against the petitioner are that he is owner of Sai Stone Crusher, which is involved in illegal mining in the areas of State of Punjab. No doubt, there is written communication by the Government Departments in this regard but the petitioner has alleged that he has been falsely implicated in all the cases in order to pressurize him as he is an eye-witness in the murder case, wherein involvement of complainant has also been alleged. Further, the petitioner's firm has been alleged to have caused great loss to the State Exchequer. However, it is question of evidence whether forgery, if any, has been committed by the petitioner's firm or not or he has been falsely implicated. Registration of other cases is no ground to decline bail. The case is triable by Judicial Magistrate. Unnecessary

incarceration of under-trial is against the spirit of law since rule is bail and



not jail. Culpability of the petitioner shall be decided during trial of the case.

8. In view of the aforesaid facts and circumstances of the case, since completion of trial will take a long time, no useful purpose would be served by keeping the petitioner behind bars for a long time.

9. Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate concerned. The petitioner shall also abide by the following conditions :-

1. *The petitioner shall surrender his passport and shall not leave the country without the prior permission of the Trial Court.*

2. *The petitioner shall give his mobile number to the Trial Court and get the same registered, on which SMS shall be received from the CIS and shall not change his mobile number during pendency of the case.*

3. *The petitioner shall not change his residence without prior intimation to the concerned Police Station and the Trial Court.*

4. *The petitioner shall appear before the Trial Court on each and every date of hearing.*

10. The Trial Court is at liberty to impose any other condition that it may deem appropriate. It is further clarified that in case of default of any of the conditions, the concerned Court is competent to cancel the bail granted to the petitioner.
11. Nothing contained herein above shall be construed as an expression of opinion on the merits of the case.
12. Pending applications, if any, shall stand disposed of along with the present petition.

October 16, 2024
monika

(GURBIR SINGH)
JUDGE

<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>