

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.50744 of 2024
Reserved on: 05.11.2024
Pronounced on: 12.11.2024

Honny @ Honey ...Petitioner

Versus

State of U.T., Chandigarh ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Shubham Dogra, Advocate and
Mr. Sunil Kumar Dahiya, Advocate
for the petitioner.

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

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
467	19.12.2023	Sector-36, Chandigarh	420, 467, 468, 471 added 419, 120-B IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. Per paragraph 10 of the reply and custody certificate dated 05.11.2024, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	422	15.11.2023	Under sections 419, 420, 467, 468, 471 and 120B IPC	Sector-36, Chandigarh

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:
- “4. That the brief facts of the case are that the instant FIR was registered on the basis of order dated 12.12.2023 passed by the Ld.Civil Judge, Jr. Division. Chandigarh in the Execution petition bearing No.593/2023 in case titled as "Krishna Devi Vs. Vinod Manocha" which was pending in the said court. The FIR was got registered by the Ld. Court after it called for the report of the*

Tehsildar as well as Halqa Patwari and as per the report of Halqa Patwari surety which was furnished in the said Executing court was fake and surety documents which were furnished were also forged one. As per the concerned Halqa Patwari he had not scribed the particulars of the land on the Jamabandi produced in the case and had never given any report regarding market value verification and that the alleged report was not in his handwriting and was not bearing his signatures and stamp."

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& INCRIMINATING

EVIDENCE:

5. *That after the registration of the instant FIR. present petitioner was arrested on 12.01.2024 in the present case and specimen signatures of the accused Honny @ Honey who impersonating himself as Gurinder Singh were obtained and it was discovered that he appeared as fake surety by impersonating himself as Gurinder Singh son of Raguvir Singh in the Court of Shri Puneet Mohinia, Civil Judge, Jr. Division, Chandigarh.*

6. *That during further course of investigation on 25.01.2024, the original record was procured from the Ld. Court of Sh. Puneet Mohinia JIMC, Chandigarh. Later on, the specimen signatures of accused Honny@ Honey as Gurinder Singh and original surety bond documents furnished by Honny@Honey as Gurinder Singh were submitted at CFSL Sector-36, Chandigarh for comparison and analysis and the report of the CFSL and the said report was received on 12.08.2024 and the CFSL report dated 23.07.2024 opines that "for a through and scientific examination and to study the nature and extent of variations of the writing habits, a sufficient number of contemporary admittedly genuine writings/signatures written during normal course of routine along with a few more specimen writings/signatures containing similar letters and their combinations as occurring in the questioned writings/signatures by both the real and accused persons are required for further examination. The admittedly genuine writings/signatures may be available on some existing documents such as Bank Documents, note book/Diary, official personal correspondence etc."*

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Per the custody certificate dated 05.11.2024, the petitioner's total custody in this FIR is 09 months and 25 days. 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 for 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 Ilqa 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)	

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

12.11.2024
Sonia Puri

Whether speaking/reasoned:	Yes
Whether reportable:	No.