

CRM-M-59822-2023

2024:PHHC:016615

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-59822-2023

Date of Decision : February 07, 2024

RANJIT SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Veneet Sharma, Advocate
for the petitioner.

Mr. Jashandeep Singh, AAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.95 dated 6.4.2022, under Sections 419, 420, 465, 468, 471, 472, 120-B IPC, registered at P.S. Civil Lines, Amritsar City, District Amritsar.

2. The instant FIR was registered upon a judicial order passed by the learned Additional Sessions Judge, Special Court, Amritsar with the allegations that the present petitioner had forged documents of property and the documents of identity of the surety and identifier. During investigation, it transpired that the petitioner has filed the regular bail application of main accused Jorawar Singh, who was behind bars in FIR No. 47 dated 2.3.2021, under Sections 21(B), 61, 85 of the the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Civil Lines, Amritsar. He had also sworn affidavit in

support of the bail application. Subsequently, the bail bonds were furnished by the main accused Jorawar Singh on 23.4.2021 and he was released from the custody in FIR (supra), by the Special Court, Amritsar. Lateron, it transpired that the bail bonds were not in order, rather it was a result of forgery. During the proceeding, even the present petitioner, before the learned trial Court concerned, when confronted, answered negative, about the sign on the affidavit, which was sworn in support of the regular bail application when asked of the accused Jorawar Singh.

3. Learned counsel for the petitioner submits that, though before the learned Additional Sessions Judge, Special Court concerned, the petitioner made a specific statement that he is not the person, who moved an application for Jorawar Singh, in fact, on that day out of fear, the petitioner had made such statement, to the effect that, he himself preferred the regular bail application, for accused-Jorawar Singh, being his close friend. He further submits that accused-Jorawar Singh, in the instant FIR, has already confessed his guilt and also submits that he is the person, who is solely responsible for the entire affair and upon his confession, he was held guilty by the learned Judicial Magistrate 1st Class, Amritsar and his sentence was reduced to already undergone by him. The judgment of conviction and order of sentence dated 25.1.2024, is also taken on record as Mark X. The Registry is directed to place the same at the appropriate place. He further submits that the petitioner has already suffered incarceration for more than 5 months and he is not involved in any other criminal case.

4. Learned State counsel has filed the custody certificate, which

is taken on record. The custody certificate make revelations that the petitioner has suffered incarceration for 5 months and 12 days as on today and he is not involved in any other criminal case. Learned State counsel on instructions imparted to him by ASI Sarabjit Singh informs this Court that the final report has already been filed but the charges are yet to be framed.

5. Considering the period of incarceration, i.e. 5 months and 12 days and the stage of the trial, that the charges are yet to be framed and the gravity of the offence, this Court deems it appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

6. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

February 07, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No