

(225)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-60569-2023

Date of Decision: 07.03.2024

GURDEEP SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Simranjeet Singh Sarwara, Advocate
for the petitioner.

Mr. Neeraj Poswal, Asst. A.G., Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.131 dated 20.03.2022 registered under Sections 419, 420, 465, 467, 468, 471, 120-B of IPC at Police Station Sohana, District SAS Nagar, Mohali.

2. As per the prosecution case, some fictitious person masqueraded as the land-owner Naib Singh son of Teja Singh and received an amount of Rs.13,19,877/- as land acquisition compensation.

3. During the course of investigation, it was found that one Karnail Singh after preparing a fake voter card of the land-owner Naib Singh got opened an account with the HDFC Bank and had obtained a cheque by showing the same voter card in GMADA. The affidavits which were prepared for getting the cheque of compensation from GMADA against land acquired pertained to Bagh Singh son of Teja Singh and the land-owner Naib Singh were got prepared by the husband of the sister-in-law of Karnail Singh

namely, Gurdeep Singh (petitioner) who was the witness to the affidavit given for getting the cheque of Bagh Singh from GMADA and the affidavit given for getting the cheque of Naib Singh from GMADA. The same were got attested from the Notary Mahinderjit Singh Chauhan. The statement of the Notary was recorded who stated that the affidavit had been attested by Gurdeep Singh.

The amount was later withdrawn by Surmukh Singh through the ATM.

4. The learned counsel for the petitioner contends that he has been falsely implicated in the present case. Surmukh Singh and Karnail Singh had been granted the concession of anticipatory bail by this Court vide orders dated 31.10.2022 and 20.11.2023 (Annexures P-2 and P-3). As the petitioner was in custody since 06.10.2023, the investigation stood completed but none of the 18 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, the petitioner was entitled to the concession of bail moreso when he was a first-time offender and the case was triable by the Court of a Magistrate.

5. A status report dated 07.03.2024 by way of an affidavit of Harsimran Singh, PPS, Deputy Superintendent of Police, City-2, SAS Nagar has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. While referring to the reply, he contends that the petitioner along with his co-accused cheated the Government of huge amount of money. The nature of the allegations did not entitle him to the grant of bail. He, however, concedes that co-accused had been granted the concession of anticipatory bail as also the fact that the petitioner was a first-time

offender, in custody since 06.10.2023 and that none of the 18 prosecution witnesses had been examined so far.

6. I have heard the learned counsel for the parties.

7. This Court in the case titled as ***Maninder Sharma Vs. State Tax Officer, State, Mobile Wing, Jalandhar, Punjab bearing CRM-M24033-2021(O&M) Decided on 31.08.2022*** has held as under:-

“Therefore, broadly speaking (subject to any statutory restrictions contained in Special Acts) , in economic offences involving the IPC or Special Acts or cases triable by Magistrates once the investigation is complete, final report/complaint filed and the triple test is satisfied then denial of bail must be the exception rather than the rule. However, this would not prevent the Court from granting bail even prior to the completion of investigation if the facts so warrant.”

8. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is a first-time offender, in custody since 06.10.2023 and none of the 18 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. There are no serious apprehensions expressed by the State that the petitioner would abscond from justice, tamper with the evidence or influence witnesses if granted the concession of bail. In this situation, the further incarceration of the petitioner is not required.

9. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Gurdeep Singh son of Harjinder Singh is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

10. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause
11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

07.03.2024
JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No