



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-4111-2025
Decided on : 07.02.2025

Bhupender Singh Gusain . . . Petitioner(s)

Versus

State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Abhimanyu Kalsy, Advocate
for the petitioner(s).

Mr. Amandeep Singh, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Bhupender Singh Gusain	30	04.03.2020	420, 471, 465, 468 and 120-B of IPC (added later on)	Fatehgarh Sahib	Fatehgarh Sahib

2. Counsel for the petitioner submits that the allegation against the petitioner is that he identified himself as a witness to the surety, namely Rajinder Kaur, who, in fact, was not the actual Rajinder Kaur. The contention of the counsel is that the documents were in the name of Rajinder Kaur; therefore, at best, the petitioner can only be alleged to have identified the surety under a *bona fide* belief.



Counsel further submits that the petitioner, who is currently around 45 years old, has not been involved in any similar activity in the past. Thus, he prays for the grant of concession of regular bail to the petitioner.

3. On the other hand, learned State counsel opposes the submissions made by counsel for the petitioner and informs the Court that after completion of investigation, final report/challan has been submitted to the trial Court. However, charges are yet to be framed, and thereafter, process of recording of statement of prosecution witnesses would start.

It is admitted that the petitioner is inside jail for the last more than two months. Besides, learned State counsel submits that main accused – Rajinder Kaur is still at large.

The status report dated 06.02.2025, filed by learned State counsel in Court is also taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the petitioner.

4. I have heard learned counsel for the parties and gone through the record with their able assistance.

5. Admittedly, all the offences are triable by the Court of Magistrate. Charges are yet to be framed, and only thereafter process of recording the statements of the prosecution will commence. Undoubtedly, the culmination of the trial would consume considerable time.

Besides, the culpability of the petitioner is yet to be decided, including whether the alleged illegal act involves any *mala fide* intention or not ?



6. Considering the totality of circumstances, and the submissions addressed by both the sides, I deem it appropriate to grant the concession of bail to the petitioner.

7. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

8. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

9. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

10. It is further made clear that if in future petitioner is found indulged in similar kind of activities, prosecution would be at liberty to seek cancellation of bail in the present case.

11. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

February 07, 2025

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No