

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5868-2025
Reserved on: 06.02.2025
Pronounced on: 15.02.2025

Rajan Dass ...Petitioner

Versus

State of UT Chandigarh ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Shubham, Advocate
for the petitioner.

Mr. Manish Bansal, P.P., UT, Chandigarh.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
467	19.12.2023	Sector-36, Chandigarh	420, 467, 468, 471 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 14 of the bail application, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	422	15.11.2023	419, 420, 467, 468, 471, 120-B IPC	Sector 36
2	07	12.01.2024	419, 420, 467, 468, 471, 120-B IPC	Sector 36
3	124/2019	-	419, 420, 467, 468, 471, 120-B IPC	Ambala City
4	221/2014	-	419, 420, 467, 468, 471 IPC	Ambala City
5	131/2021	-	420, 467, 468, 471, 120-B IPC	Fatehgarh Sahib
6	104	31.08.2016	419, 420, 468, 471 IPC	Fatehgarh Sahib

3. The facts and allegations are being taken from translated version of FIR, which reads as follows:-

“Respected SHO Sir, it is requested that a Court Order CNR No: CHCH020039082023, CIS No: EXE/593/2023 in Case KRISHNA DEVI VS VINOD MANOCHA etc issued by the court of Sh. Puneet Mohinia, Civil Judge Jr. Division, Chandigarh, UID No. PB00497

to registered case under U/S 420 IPC and Other relevant Sections against Gurinder Singh S/o Raghveer Singh R/o Village- Balyali, Tehsil. Mohali, Distt. SAS Nagar, PB. Age-25 Years, from the above mentioned Court of Naib Court, was received at Police Station stated as CNR No.CHCH020039082023, CIS No: EXE/593/2023. KRISHNA DEVI VS VINOD MANOCHA etc. Present: Sh. Yogesh Mittal, Advocate, Counsel DH. Sh. Vikram Singh Vohra, Advocate Counsel for the Jds. Today, the present execution was fixed for awaiting report of Tehsildar as well as Halqa Patwari. However, Halqa Patwari Sh, Sukhpal Singh has appeared and suffered statement that he is posted as Halqa Patwari of village Baliali Tehsil Distt SAS Nagar, Mohali in the month of November, 2023 and he was only Patwari, who could have made a revenue report regarding the land situated in the revenue estate of village Baliali Tehsil Distt SAS Nagar, Mohali in the month of November, 2023. He further stated that he has seen the Copy of Jamabandi of the Year 2017 produced in this case, as per which, Sh. Gurinder Singh Son of Sh. Raghbir Singh Son of Sh. Sucha Singh is the owner to the extent of 61/1944 share i.e 2-1/2 sarsahi i.e. less than half marla land, out of total 9 marla land falls in khewat no. 144 Khatoni No.146 situated in village Ballall Tehsil Distt SAS Nagar, Mohali. He further stated that he has not scribed the word 18 marla/10 marla on the jamabandi produced in the case and he has also seen the application for issuance of market value verification dated 24.11.2023 in the court file in which he has never given any report as Halqa Patwari of Village Baliali Tehsil Distt SAS Nagar, Mohall. He further stated that the alleged report Mark A1 does not of his handwriting and it does not bears his signatures and there is no such type of stamp in the name of Halqa Patwari Baliali Tehsil Distt SAS Nagar, Mohali as affixed on the report was/is ever available with the said Halqa Patwari of Village Baliali Distt SAS Nagar, Mohali. Meaning thereby the surety which was furnished in the present Court vide order dated 28.11.2023 after the order of Ld. Appellate Court, seems to be filed on the basis of false forged documents and this fact is required to be investigated by the police authorities. As such, copy of all the documents be sent to the concerned SHO/In-charge of jurisdictional police station along with copy of this order for registering FIR against the surety under Section 420 other relevant Sections under the provisions of IPC. As the Court has proceeded on the exhaustive report/statement suffered by Halqa Patwari, so there is no need to separately called the report of concerned Tehsildar. Now, the present execution stands adjourned to 21.12.2023 for further proceedings. Sd. (Puneet Mohinia), Civil Judge Jr. Div. Chd.”

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 submits that the petitioner has forged the documents and used them for furnishing fake sureties and he is involved in various cases of similar nature.

REASONING:

6. 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 06.02.2025, the petitioner's total custody in this FIR is 08 months and 13 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.

7. 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.

8. 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 Ilaqa 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.

9. 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)	

10. This order is subject to the petitioner's complying with the following terms.

11. 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.

12. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

13. The concerned trial court is authorized to delete, modify, or relax any of the above conditions and shall be competent to do so in accordance with the law.

CRM-M-5868-2025

14. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

15. 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.

16. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

15.02.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.