

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6407-2025
Reserved on: 06.03.2025
Pronounced on: 19.03.2025

Gurpreet Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rajesh Kumar Dhankar, Advocate,
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
40	22.03.2024	Civil Lines, Amritsar, Distt. Amritsar	420, 193 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. In the bail petition, the petitioner has not disclosed criminal antecedents; however, as per para 9 of the status report, the accused has no criminal antecedents.
3. The facts and allegations are being taken from the translated copy of FIR annexed to the bail petition, which reads as follows:

“No.110 dated 22.03.2024. From: Varinder Kumar, Judicial Magistrate Ist Class, Amritsar. To, The SHO, Police Station Civil Lines, Amritsar. Subject: To register criminal case against surety namely Gurpreet Singh son of Harbhajan Singh resident of Dhandal Jastarwal, District Amritsar for furnishing false affidavit and same surety second time, under the relevant provisions of law. The surety namely Gurpreet Singh son of Harbhajan Singh resident of Dhandal Jastarwal, District Amritsar appeared in the court of undersigned to furnish the surety bonds of accused Lovepreet Singh in FIR No. 51/2023 of PS SSOC, Amritsar. He has furnished affidavit along with surety bonds that earlier he never stood surety that he is genuine surety and he never furnish surety of the same property earlier before the any court. The data of "SIM" in CIS was

checked and during checking it was found that he had furnished surety bonds of the same property in seven cases before different courts. The surety Gurpreet Singh had tried to commit cheating with the court, which is not permissible. You are directed to proceed against surety Gurpreet Singh as per law. The copy of bail bonds, the copy of data taken from the CIS, Aadhar Card of surety are enclosed herewith. Submitted.”

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 his family.
5. The State’s counsel opposes bail and refers to the status report.
6. It would be appropriate to refer to the following portions of the status report, which read as follows:

“THE ROLE OF THE PETITIONER

10. That it is submitted that the present petitioner Gurpreet Singh is the sole accused in the present case FIR No.40 dated 22.03.2024 (supra). The present petitioner Gurpreet Singh had tried to cheat the Court of learned Judicial Magistrate 1st Class, Amritsar while standing surety in favour of the accused person in case FIR No. 51/2023, under Section 25 Arms Act, Police Station S.S.O.C, Amritsar while tendering a false affidavit that he had never stood surety and never furnished surety of the same property earlier before any Court whereas he had already furnished surety of the same property earlier in seven other cases.

THE EVIDENCE AGAINST THE PETITIONER

11. That it is submitted that the prosecution evidence in the present case FIR No.40 dated 22.03.2024 (supra) against the present petitioner Gurpreet Singh is primarily based on the documentary evidence i.e. the order dated 22.03.2024 passed by the Court of learned JMIC, Amritsar coupled with the documents furnished as surety in the Court of learned JMIC, Amritsar besides the record of CIS of District Courts, Amritsar which establish that the petitioner Gurpreet Singh had tried to cheat the learned Court while furnishing false affidavit that he never stood surety, he is genuine surety and had never furnished surety of the same property earlier before any Court whereas he had earlier furnished surety of the same property in seven other cases.”

REASONING:

7. The allegations are of furnishing false affidavit before the Court, which was detected initially, no loss has been caused to anybody as such, the petitioner is entitled for

bail.

8. 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. As per paragraph 4 of the bail petition, the petitioner has been in custody since 22.03.2024. As per the custody certificate dated 05.03.2025, the petitioner's total custody in this FIR is 11 months and 08 days which is on higher side. 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 further pre-trial incarceration at this stage.

9. 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.

10. 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.

11. 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)	

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

13. 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.

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

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

16. 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.

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

(ANOOP CHITKARA)
JUDGE

19.03.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.