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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14931-2025 (O&M)

Date of Decision: 07.04.2025

GURSEWAK SINGH @ HAPPY

.. Petitioner

Vs.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Hitesh Malik, Advocate and
Mr. Gurvinder Singh Aulakh, Advocate for the petitioner.

Mr. Eklavya Darshi, DAG, Punjab.

...

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C./483 BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.0187 dated 18.06.2023, registered for the offences punishable under Sections 420, 467, 468, 471, 474 and 120-B of IPC at Police Station City Kharar, District Mohali (SAS Nagar), Punjab.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“Copy statement, statement of Karan Kalra son of Shri Ravinder Kalra, resident of Mithal Lal Kalra Street, Bank Road, Muktsar Sahib mobile number 9216200008 stated that I am resident of above address, I do my own business. I had purchased Range Rover luxury car bearing number DL1CM8573 model 2012 from Punjab Car Traders, Mohali owned by Pritam Singh alias Laddi, in year of 2021 for an amount of Rs. 25 Lakh. NOC from Delhi to Chandigarh was already issued. I wanted to get the registration number from Punjab. As I was not familiar with this, so to get Punjab number I talked with my friend Guratan Singh, resident of Muktsar sahib who told me about his friend Daljit Singh, who does the work of car repair. On whose workshop Gurtej Singh Alias Teji comes for car repair to whom he also knows. Gurtej Singh @ Teji has known who does the work of getting car number. Thereafter, me along with Guratan Khehra and Daljit Singh altogether telephonically called to Gurtej Singh and told the whole story and ask him to meet at Kharar bus stand. Where

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Gurtej Singh has brought his known Jagjit Singh son of Gurmieet Singh resident Sihala, Tehsil Samrala District Ludhiana. According to Gurpreet Singh, Jagjit Singh does the work of getting registration number of cars. Thereafter, we talked with Jagjit Singh regarding getting registration number from Kharar authority, then Jagjit Singh said that he'll get the car number from Kharar Authority and asked for 23,65,000 as expenses. Then I handed over documents of my car along with Aadhaar card, PAN card and money to Jagjit Singh in the presence of my friend Guratan Singh and Jagjit Singh. After few days, when I received RC of the car then I noticed that PB 87 8586 was written on it which was not issued by Kharar Authority. Which I later came to know that Jagjit Singh has got transferred RC in his name by using some other documents instead of the documents provided by me. Now I came to know that Jagjit Singh in connivance with some employee from the authority has got prepared fabricated documents and used them for the purpose of saving tax, etc and cheated me and government. Action be taken against Jagjit Singh. Statement is got recorded, read over heard as correct."

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 07.12.2024. Learned counsel for the petitioner has iterated that the petitioner is a young man aged 26 years. Learned counsel for the petitioner has further argued that the petitioner has been implicated into the FIR in question primarily on the basis of disclosure statement made by co-accused which is not likely to withstand judicial scrutiny during the course of trial. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 07.12.2024 whereinafter investigation was carried out & challan was presented on 03.03.2025. Total 22 prosecution witnesses have been cited and none has been examined till date. It is indubitable that the culmination of the trial, but of course, will take its own time. The contentions raised by rival parties give rise to debatable issues which shall be ratiocinated upon during the course of trial.

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This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per the custody certificate dated 06.04.2025 filed by the learned State counsel, the petitioner has suffered incarceration for more than 03 months and 25 days & is not shown to be involved in any other case. Suffice to say further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the present case.

7. In view of totality of factual matrix of the present case, the instant petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police

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Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.

(vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

07.04.2025
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No