

2025:PHHC:087477



244.

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-24169-2025

Date of decision: 17.07.2025

Hardeep Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Samay Singh Sandhawalia, Advocate, for the petitioner,
through Video Conferencing.

Mr. Shiva Khurmi, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in this petition filed under Section 483 of BNSS, 2023, is for grant of regular bail to the petitioner in case FIR No.08, dated 01.02.2024, under Sections 406, 420, 465, 469 of IPC and Section 24 of Immigration Act, registered at Police Station Phase 11, SAS Nagar,

2. Learned counsel for the petitioner submits that the petitioner came to be nominated as an accused following a disclosure statement suffered by co-accused, Gurinder Singh Batth, who has since been extended the concession of bail vide order dated 07.03.2025 (Annexure P-2). Learned counsel has further submitted that all the offences for which the petitioner has been charged are triable by Magistrate; after the charges were framed on 19.07.2024, only 02 prosecution witnesses out of the 24 cited have been

examined. Hence, the possibility of the trial concluding in the near future does not arise.

3. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has not disputed the custody period of the petitioner, nor has he, on instructions from ASI Amrik Singh, disputed that only 02 out of 24 prosecution witnesses cited have been examined till date. It has also not been disputed that as per the allegations in the FIR, it is the accused, Gurinder Singh Batth, who is the prime accused and who was given the money by the complainant on an assurance that he would help in procuring a study visa for his son. However, learned State counsel submits that the mistake while filling up the IELTS form of the son of the complainant was not inadvertent but had been intentionally done so as to usurp the amount of money which had been paid to the co-accused, Gurinder Singh Batth. Learned State counsel has, therefore, submitted that on account of 'advertent' mistake committed by the petitioner, the life of a young boy had been ruined. Learned State counsel has placed on record the custody certificate of the petitioner to assert that he is involved in as many as 14 criminal cases, out of which, he stands convicted in 10 cases. However, it has not been disputed by the learned State counsel, on instructions, that the entire case against the petitioner is based on documentary evidence which is already part of the challan.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. As not disputed by the learned State counsel that the petitioner is not alleged to have demanded or received any money from the complainant for arranging for his son's study visa. It has also not been disputed that the prime accused in the instant case is co-accused, Gurinder Singh Batth, who has since been extended the concession of bail. Still further, learned State counsel has not been able to dispute that the entire case of the prosecution against the petitioner hinges on documentary evidence. No doubt, the petitioner is involved in a number of criminal cases, however, keeping in view the specific role attributed to the petitioner in the present case, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, the Trial Court may impose any stringent condition as it deems fit.

7. It is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

July 17, 2025
sanjeev

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