

CRM-M-41433-2025 (O & M)

2025:PHHC:101137



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(235)

CRM-M-41433-2025 (O & M)
Date of decision: 06.08.2025

Kamal Singh

..... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ravi Malhotra, Advocate, for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition under Section 483 BNSS, 2023 is for the grant of the regular bail to the petitioner in FIR No.16 dated 25.01.2023 under Sections 177, 199, 200, 419, 420, 465, 467, 468, 471, 174, 120-B IPC registered at Police Station Division No.5, District Ludhiana.

2. The present FIR came to be registered at the instance of Mamta Mehmi, Judicial Magistrate Ist Class, Ludhiana and reads as under:-

From Mamta Mehmi, Judicial Magistrate Ist Class, Ludhiana.

To SHO, PS Division No. 5, Ludhiana.

Subject: Registration of FIR against fake surety Harveer Singh son of Gurdeep Singh and attesting witnesses Usha Devi d/o Shivram, Kamal Singh son of Charan Singh. Sir, In reference to the subject cited above, it is hereby informed that in case titled as "State Vs. Rohit Singla & ors." bearing FIR No.146 dated 03.06.2021, Police Station Division No.6, Ludhiana, under Sections 3, 4, 5, 5-A Immoral Traffic Act, 1956, 188, 120-B, 3 Epidemic Diseases Act, 1897, 51-B Disaster Management Act, 2005, above named Harveer Singh son of Gurdeep Singh,



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resident of House No.75, Village Khanpur, Ludhiana stood fake surety of accused Kulwinder Kaur wife of Kamaljeet Singh, resident of House No.61-G, MIG Flats, Street No.3, near Dhuri Line, Gill Road, Dashmesh Nagar, Janta Nagar, Ludhiana and Usha Devi d/o Shivram resident of Housing Board, Phase-II, Ward No.9, Tehsil Baddi, Sai Road Baddi, Bilawali Labana (207) Solan, Himachal Pradesh and Kamal Singh son of Charan Singh r/o House No.61-G, Dashmesh Nagar, Gill Road, Millerganj, Ludhiana appeared as witnesses to attest/identify Harveer Singh son of Gurdeep Singh in the Court of Ms. Harsimranjit Kaur, JMIC Ludhiana. The case file titled as State Versus Rohit Singla & ors. was received by this Court by way of transfer on 31.10.2022 and undersigned was directed by the Ld. District & Sessions Judge, Ludhiana to conduct, fact finding inquiry into this matter, and to submit the conclusion report. In this regard, During fact finding inquiry, the report of Tehsildar, Ludhiana (South) was received with regard to the ownership of Harveer Singh S/o Gurdeep Singh stating that Kamalpreet Singh Patwari went to the village Khanpur to inquire into the matter, where one lady Sarbjit Kaur wife of Gurdeep Singh got recorded her statement that Harveer Singh son of Gurdeep Singh had already gone abroad 8 months ago and he had not furnished any surety in any case and he is not concerned with any Court case. Copy of Aadhar Card was also attached by the concerned official with the report and it is further submitted that Aadhar Card of Harveer Singh son of Gurdeep Singh attached by the Tehsildar, Ludhiana (South) with his report are not the same and both are having different aadhar Card number. So it is clear that said Harveer Singh son of Gurdeep Singh has not only impersonated. But he has prepared fake Aadhar Card and committed the offence of forgery in connivance with the attesting witnesses Usha Devi D/o Shivam



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and Kamal Singh son of Charan Singh. I am authorized by the Ld. District & Session Judge. Ludhiana to take legal action against such persons as per law. Appropriate action by registering the FIR against the above named person and his companions, who helped them in forging said Aadhar Card be taken and copy of FIR be provided. The relevant documents are attached herewith, Reader of this Court is authorized to be a complaint in this case Sd/- Mamta Mehmi Judicial Magistrate 1" Class, Ludhiana.

3. As per the case of the prosecution, the petitioner identified Gurpreet Singh as Harveer Singh who stood as surety for his wife-Usha Devi.

4. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He is in custody since 26.03.2025 but none of the 05 prosecution witnesses have been examined so far. The case is triable by the Court of a Magistrate. As the Trial is not likely to be concluded anytime soon, he is entitled to the concession of bail.

5. The learned counsel for the State, on the other hand, contends that serious allegations have been levelled against the petitioner and therefore, he is not entitled to the concession as prayed for. He, however, concedes that the petitioner is in custody since 26.03.2025, that none of the 05 prosecution witnesses have been examined so far and that the case is triable by the Court of a Magistrate.

6. I have heard the learned counsel for the parties.



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7. This Court in the case titled as ***Maninder Sharma Vs. State Tax Officer, State, Mobile Wing, Jalandhar, Punjab bearing CRM-M24033-2021(O&M) Decided on 31.08.2022*** has held as under:-

“Therefore, broadly speaking (subject to any statutory restrictions contained in Special Acts) , in economic offences involving the IPC or Special Acts or cases triable by Magistrates once the investigation is complete, final report/complaint filed and the triple test is satisfied then denial of bail must be the exception rather than the rule. However, this would not prevent the Court from granting bail even prior to the completion of investigation if the facts so warrant.”

8. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated during the course of the Trial. Admittedly, the petitioner is in custody since 26.03.2025 but none of the 05 prosecution witnesses has been examined so far. Therefore, the Trial in the present case is not likely to be concluded anytime soon. The present case is, however, triable by the Court of a Magistrate and no serious apprehension has been expressed by the State that the petitioner would abscond from justice, tamper with the evidence or influence witnesses if granted the concession of bail. Therefore, in this situation, the further incarceration of the petitioner is not required.

9. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Kamal Singh is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

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10. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other case except the present one.

11. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.

12. The present petition stands disposed of.

August 06, 2025
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No