



**In the High Court for the States of Punjab and Haryana at
Chandigarh**

252

CRM-M-22314-2026 (O&M)

Date of Decision:- 25.05.2026

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... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present:- Mr. R.S. Dhillon, Advocate for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

SUBHAS MEHLA, J. (Oral)

1. By way of the present petition, the petitioner is seeking regular bail in case bearing FIR No.63 dated 22.03.2025, registered under Sections 229, 236, 237, 336(2), 337, 338, 336(3), 340(2) and 61(2) of the Bharatiya Nyaya Sanhita, 2023 (for short - 'the BNS') at Police Station Sadar, District Kapurthala.

2. Briefly stated, allegations qua the petitioner relates to procuring and producing fake surety before the trial Court along with forged documents for furnishing bail bonds on behalf of one - Sonu (son of the petitioner).

3. Learned counsel for the petitioner prayed for concession of bail to the petitioner on the following grounds:

- i. Petitioner has neither impersonated nor identified any fake surety before the trial Court;



- ii. Petitioner had merely arranged surety for release of her son, namely, Sonu, who was in custody and was not aware of any alleged impersonation;
- iii. The petitioner is in custody for more than 5 ½ months;
- iv. Petitioner is having clean and clear antecedents and is not involved in any other case except the present one.
- v. Investigation qua the petitioner has already been completed;
- vi. Trial will take sufficient time to conclude.

4. Custody certificate dated 23.05.2026 of the petitioner has been filed by learned State counsel and the same is taken on record. As per custody certificate, the petitioner has been behind bars since 04.12.2025 i.e. for the last 05 months and 19 days.

5. Learned State Counsel opposed the present petition on the following grounds:

- i. Petitioner arranged fake surety for release of her son;
- ii. Petitioner also moved an application for accepting the surety bond/bail bonds.

However, learned State counsel does not dispute the fact that she is having clean and clear antecedents and is not involved in any other case except the present one.

6. Heard.

7. Keeping in view the submissions of learned counsel for the parties, facts and circumstances of the case, this Court finds merits in the present petition on the following grounds:



- i. The petitioner has been in custody since 04.12.2025 i.e. for the last 5 months and 19 days;
- ii. The allegation qua the petitioner is that she arranged fake surety for the release of her son;
- iii. The petitioner is having clean and clear antecedents and is not involved in any other case except the present one
- iv. Investigation qua petitioner has already been completed; and
- v. The trial is likely to take considerable time to conclude, and no fruitful purpose would be served by keeping him in custody for any further period.

8. The concession of bail cannot be denied just as a measure of punishment, as it is a trite principle of criminal jurisprudence that bail is a rule, jail is an exception. Hence, in view of aforementioned ground, this Court deems it a fit case to grant the concession of regular bail to the petitioner.

9. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on her furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

25.05.2026
Geeta

(SUBHAS MEHLA)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No