



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

237

**CRM-M No.42569 of 2025
Date of decision : 27.8.2025**

Mohd. Jameel @ Jeelu.....**Petitioner****Versus****State of Punjab**.....**Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Shahid Anwar Chaudhary, Advocate, for the petitioner

Mr. Jaypreet Singh, DAG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.31 dated 1.3.2025, under Sections 216, 319(2), 318, 337, 336(2), 336(3), 340(2) and 339 read with Section 61 of Bharatiya Nyaya Sanhita, 2023 registered at Police Station City 1, Malerkotla, District Malerkotla.

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

'Copy of order no 50 dated 01-03-2025 send by Sh. Vishav Gupta JMIC Malerkotla, to SHO City 1 Malerkotla Registration of case under Sections 216, 319(2), 318, 337, 336(2), 336(3), 340(2), 339 BNS, 2023 read with Section 61 BNS against:- 1. Mani Singh son of Surya Nath resident of Ward No. 11 near Tower Naushera Saderabad, District Malerkotla. 2. Accused (real name not known) impersonating as Kapal Kumar son of



Sadhu Ram resident of House No. 138, Street. No. 14, village Jodhan 3. Accused (real name not known) impersonating as Mohinder Singh son of Pritam Singh, resident of near Ravidass Dharamshala Jodhan, Ludhiana. 4. Bhim Singh son of Joga Singh resident of village Kupkalan, Malerkotla. Sir, 1. Whereas in the FIR No. 27/2023, registered u/s 15-61-85 of NDPS Act, P. S. Amargarh, one sapurdari order dated 21.04.2023 was passed by the then Ld. Special Court, Sangrur, whereby one truck make Ashok Lyland 1214 bearing registration No. PB-13BB-3063, Model, 2018 alongwith 400 bags containing horse feed was released on sapurdari in favour of the petitioner Mani Singh son of Surya Nath, who was the Special Power of Attorney Holder of the owner of the said truck namely Bhim Singh son of Joga Singh. 2. In pursuance of the said order, the Ld. Predecessor, vide his order dated 17.05.2023, ordered the applicant Mani Singh to furnish indemnity bonds alongwith sapurdari bonds in the sum of Rs. 8 lacs. As per Sd/- Vishav Gupta/JMIC/01.03.2025 the said order, the applicant Mani Singh had furnished his sapurdarinama in the amount of Rs. 8 lacs alongwith the surety/indemnity, furnished by one Kapal Kumar son of Sadhu Ram of the same amount. The said indemnity bonds were attested by two witnesses namely Mohinder Singh son of Pritam Singh and Bhim Singh son of Joga Singh. 3. Then, vide order dated 08.05.2024 passed by the Ld. Judge, Special Court, Sangrur, it was observed that some impersonation was committed by the surety Kapal Kumar and the matter was sent to this Court to be inquired into and proceed as per law. 4. Consequently, notices were issued and the true owner of the property namely Kapil Joshi son of Sadhu Ram appeared and got his statement recorded before this Court to the effect that he had never stood as surety or furnished any bonds in the sapurdari proceedings in the aforesaid FIR for the applicant Man Singh. He had produced his original Aadhar Card, which did not match with the one furnished by the impersonator Kapal Kumar. 5. Similarly, one of the attesting witnesses/Nambardar Mohinder Singh son of Pritam Singh appeared, who got his statement recorded to the effect that he had never stood as the attesting witness for the alleged surety Kapal Kumar in the sapurdari proceedings. That, his Aadhar Card and Nambardar Identity Card were altered and that some impersonator had stood in his place. 6. Lastly, notice was issued to the second attesting witness namely Bhim Singh son of Joga Singh, who has appeared before the Court today. His signatures duly appear on the indemnity bonds as the



identifying witness of the impersonator Kapal Kumar. Sd/- Vishav Gupta/JMIC/01.03.2025 7. It is evident from the documentary record and the testimonies of Kapil Joshi and Nambardar Mohinder Singh that some impersonators had impersonated Kapil Joshi and Mohinder Singh while furnishing sapurdari bonds on behalf of the applicant Mani Singh. 8. Therefore, the impersonators who had stood as Kapal Kumar and Mohinder Singh have committed offences punishable under Sections 216, 319(2), 318, 337, 336(2), 336(3), 340(2), 339 BNS, whereas the applicant Mani Singh son of Surya Nath alongwith the identifying witness Bhim Singh son of Joga Singh have committed offences punishable under Sections 216, 319(2), 318, 337, 336(2), 336(3), 340(2), 339 BNS, 2023 read with Section 61 BNS. 9. Hence a direction is hereby registered to register the case against all the aforesaid persons under intimation to this Court and conduct investigation. Further, Sh. Nishant Kumar, Reader of this Court is authorized to make complaint as required under Section 215 (1)(a)(i) of the BNSS, 2023 against the accused persons. Date:-01.03.2025 Sd/- Vishav Gupta Judicial Magistrate Ist Class, Malerkotla/UID No. PB-0527 LIST OF WITNESSES 1. Sh. Nishant Kumar, Reader of this Court. 2. Criminal Ahlmad of the concerned Court, with record of the case bearing No. NDPS-443 of 06.09.2023 titled as "State v. Manjinder Singh" alongwith the sapurdari record in CRM No. 2211/2023. 3. Mohinder Singh son of Pritam Singh, resident of Jodhan, P. S. Jodhan, District Ludhiana. 4. Kapil Joshi son of Sadhu Ram, resident of VPO Jodhan, District Ludhiana. 5. Any other witness with permission of the Court, as required. Submitted please. Sd/- Vishav Gupta, Judicial Magistrate Ist Class, Malerkotla 01.03.2025 FROM THE COURT OF SH. VISHAV GUPTA, PCS, JUDICIAL MAGISTRATE IST CLASS, MALERKOTLA AUTHORITY LETTER You, Nishant Kumar, Reader of this Court, is directed to file & pursue a complaint in the Court of Ld. Illaqa Magistrate, P.S. City-1 Malerkotla/Judicial Magistrate, Ist Class, Malerkotla against the accused Mani Singh, impersonators who stood as Kapal Kumar and Mohinder Singh and Bhim Singh, in the complaint filed by the undersigned in the case bearing No. CRM-2211-2023 titled as "State v. Manjinder Singh". Sd/- Vishav Gupta, Judicial Magistrate Ist Class, Malerkotla.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 5.3.2025. Learned counsel has further argued that the



prosecution case is primarily based upon disclosure statement of co-accused. Learned counsel has further argued that the petitioner is the sole bread earner of his family. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 26.8.2025 in Court, which is taken on record.

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

6. The petitioner was arrested on 5.3.2025 wherein after investigation was carried out and challan stands presented on 21.4.2025. Total 16 prosecution witnesses have been cited however, none has been examined till date. It is thus indubitable that culmination of the trial emanating will take its own time. The rival contentions raised by learned counsel give rise to debatable issues which shall be ratiocinated upon during the course of trial 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.

6.1 As per custody certificate dated 26.8.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of about 5 months and 20 days. As per the said custody certificate, the



petitioner is stated to be involved in 3 more FIRs under the provisions of IPC. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present 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 cell-phone number to the Investigating Officer/SHO of concerned Police 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.

(viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that he has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after his being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits thereof.

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.

(SUMEET GOEL)
JUDGE

27.8.2025

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