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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24266-2022
Date of decision: 17.07.2024

SIMRAN PAL

...Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

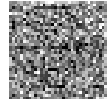
Present:- None for the petitioner.

Mr. Adeshwar Singh Pannu, AAG, Punjab.

Mr. Abhinav Narang, Advocate for respondent No.2.

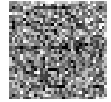
JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439(2) of the Code of Criminal Procedure seeking cancellation of bail granted to respondent No.2 in FIR No.194 dated 20.07.2021, under Sections 452, 325, 323, 506, 148 and 149 of the IPC (Sections 326 of the IPC added later on), registered at Police Station Sadar Fazilka, District Fazilka, Punjab and also for setting aside the order dated 23.02.2022 (Annexure P-1), vide which the respondent No.2 has been granted the concession of anticipatory bail.
2. None has appeared on behalf of the petitioner today despite the matter was called twice.
3. A perusal of the earlier orders would show that for the last three dates of hearing, learned counsel for the petitioner has not appeared.



4. Respondent No.2 was granted the concession of interim anticipatory bail by a Coordinate Bench of this Court in CRM-M-43644-2021 vide order dated 14.10.2021 and the said order has been reproduced in para No.4 of the present petition, in which learned counsel for the petitioner has stated that the petitioner (respondent No.2 herein) is a juvenile as per Aadhar Card (Annexure P-1). The aforesaid Aadhar Card has also been attached along with the reply filed on behalf of respondent No.2 as Annexure R-2/4, which shows the date of birth of respondent No.2 as 01.01.2005. Thereafter, the aforesaid interim anticipatory bail order was made absolute by this Court vide Annexure P-1 on 23.02.2022. The present is a petition which has been filed by the complainant (petitioner herein) by alleging that the aforesaid Aadhar Card was forged because the date of birth of respondent No.2 is not what is depicted in the Aadhar Card, whereas his date of birth is of the year 2003 and therefore, he was not a juvenile at the time when the interim anticipatory bail was granted to him on the basis of Annexure P-1 of the aforesaid bail petition.

5. Learned counsel for respondent No.2 submitted that a detailed reply has been filed on behalf of respondent No.2. He further submitted that the Aadhar Card which has been issued to respondent No.2, which is attached along with the reply as Annexure R-2/4 is not a fabricated Aadhar Card but there is certainly a discrepancy between the date of birth in the Aadhar Card and that of the school certificate but that would not mean that he has filed any fabricated Aadhar Card nor the same has been inquired by any of the persons. He further submitted that even otherwise also in pursuance of the interim order passed by this Court, respondent No.2 complied with all the terms and conditions of the

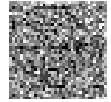


interim anticipatory bail and rather the order of interim anticipatory bail was made absolute by this Court and it is not a case of any of the parties that respondent No.2 has jumped the anticipatory bail or has violated any of the terms and conditions of the same. He also submitted that there is nothing on the record and even in the reply filed by the State that they have made any inquiry or any investigation pertaining to the aforesaid Aadhar Card being fabricated or not and therefore, considering the aforesaid facts and circumstances, the present petition may be dismissed.

6. Mr. Adeshwar Singh Pannu, AAG, Punjab referred to the reply filed by the State and submitted that during inquiry, the police party had gone to the school where respondent No.2 had taken his primary education and it was found that his date of birth was of the year 2003 and therefore, at the time when he had earlier filed the anticipatory bail petition before this Court he was major and not a juvenile. He further submitted that however so far as the authenticity of Aadhar Card is concerned, no such inquiry was made nor the same is reflected in the affidavit so filed by the State. He further submitted that so far as the conduct of respondent No.2 is concerned, after the grant of anticipatory bail he has not violated any of the terms and conditions of the same.

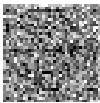
7. I have heard the learned counsels for the parties.

8. None has appeared on behalf of the petitioner today despite the matter was called twice and even for the last number of dates, the learned counsel for the petitioner has not cared to appear before the Court for addressing arguments. This Court has heard learned counsel for respondent No.2 as well as learned State counsel and also perused the documents which



have been placed on the record. The only ground which has been taken in the present petition is that at the time when the respondent No.2 was granted interim anticipatory bail, then one of the grounds taken by the learned counsel for respondent No.2 was that as per his Aadhar Card, he is a juvenile. However, while granting the interim anticipatory bail, a Coordinate Bench of this Court had directed respondent No.2 to join investigation subject to various other conditions and also that he shall abide by the conditions so envisaged under Section 438(2) Cr.P.C. Thereafter, the aforesaid interim anticipatory bail order was made absolute. It has been so stated by the learned State counsel as well that respondent No.2 has not violated any of the conditions of anticipatory bail nor has he jumped the same. A perusal of the reply filed by the State and as per the submissions made by the learned State counsel, the veracity and authenticity of the Aadhar Card was not verified but it was only on the basis of discrepancy which has occurred between the date of birth in the Aadhar Card and the date of birth as shown in the school record of respondent No.2 that the present petition has been filed.

9. It is a settled law that for considering the grant of cancellation of bail, the Courts are required to be extremely cautious because it affects the liberty of an individual. From the aforesaid arguments so addressed by learned counsel for respondent No.2 and the learned State counsel and also documents which have been placed on the record, it is not a case where the anticipatory bail granted to respondent No.2 should be cancelled because of the aforesaid reason particularly in view of the fact that the authenticity of the Aadhar Card has not been verified by any of the authorities as per the learned State counsel.



10. Consequently, finding no merit in the present petition, the same is hereby dismissed.
11. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

17.07.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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