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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-23038-2015
Date of decision : 13.10.2015.

Baldev Singh

... Petitioner

VERSUS

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Dinesh Sharma, Advocate
for the petitioner.

Ms. Harpreet Kaur Athwal, DAG, Punjab.

Mr. Harminder Singh, Advocate,
for the complainant.

M.M.S. BEDI, J.(Oral)

The petitioner seeks concession of pre-arrest bail in the case registered at the instant of Mohkam Singh, alleging that the petitioner in connivance with the officials of Sub-Registrar had been attesting false documents showing himself to be Lambardar and that he had been extracting money from the general public. Another allegation against the petitioner is that he has facilitated the furnishing of fake surety bonds on the production of fake card by the petitioner before the Deputy Commissioner, Ludhiana.

Counsel for the petitioner has submitted that the wife of the petitioner is Sarpanch of village Bashemi and she had initiated

action against the complainant for illegal encroachment on the public land.

I have considered the facts and circumstances of the case. It will certainly be a debatable issue, whether on the basis of the nature of the allegations, cognizance could be taken by a Court as per Section 195 (1)(b) Cr.P.C. Even otherwise, the petitioner has joined investigation. It does not appear to be a case of custodial interrogation. The allegations against the petitioner appear to be vague and uncertain, causing no wrongful loss to the complainant with corresponding gain to the petitioner, as such commission of offence under Section 471 IPC will be a debatable issue.

Petition is allowed. It is ordered that in case of arrest of the petitioner, he will be released on bail to the satisfaction of the arresting officer, subject to the condition that he will join investigation as and when required by the police; he will not tamper with the evidence or hamper the investigation in any manner and he will not commit the same offence of which he is accused of.

In case of petitioner committing the same offence, it will be open to the prosecution agency or the complainant to approach this Court for cancellation of bail.

October 13, 2015

Ramandeep Singh

(M.M.S. BEDI)
JUDGE