IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.M-M No.29423-2015
Date of decision : 10.09.2015

Chattar Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

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CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

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Present : Mr. Jaswinder Singh, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, Addl.A.G., Punjab.

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.120 dated 12.08.2015 registered under Sections 420, 467, 468, 471 IPC at Police Station Doraha Police, District Khanna.

Learned counsel has argued that apart from the merits entire case is based on documentary evidence and the petitioner is ready to join investigation but his custodial interrogation can-not be insisted upon.

Learned Additional Advocate General, on instructions from ASI Avtar Singh has accepted that the case is based on documents alone but

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states that the custodial interrogation is required to find out how the petitioner has made the forgery.

In my opinion the issue in this case is not how the petitioner has made forgery but whether he got two pass-ports fraudulently and that are based on the documents already on the record. In these circumstances, custodial interrogation of the petitioner should not be insisted upon and I deem it appropriate to accept the request of the petitioner for anticipatory bail.

Resultantly, the petition is allowed. In the event of arrest of the petitioner, he shall be released on bail to the satisfaction of the Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.

The petitioner is directed to appear before the investigating officer on 15.09.2015 and on any other date as and when his presence is required. In case the petitioner does not appear before the investigating officer in the aforesaid manner the present petition would be deemed to have been dismissed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

September 10, 2015
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