

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 204

Criminal Miscellaneous No.M-24636 of 2016 (O & M)
Date of Decision: October 20, 2016

Harpreet Singh

..... PETITIONER

VERSUS

State of Punjab

..... RESPONDENT

. . .

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

. . .

PRESENT: - Mr. Anil Chawla, Advocate, for the petitioner.

Mr. J.S. Sekhon, Assistant Advocate General, Punjab.

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Jaspal Singh, J

1. The instant petition under Section 438 Cr.P.C. has been preferred by petitioner – Harpreet Singh for grant of pre-arrest bail, feeling apprehension of his arrest in case FIR No.12 dated February 16, 2016 under Sections 420, 465, 468, 471, 120-B IPC, registered at Police Station, Khalra, District Tarn Taran.

2. Allegations against the petitioner are that he enticed away Sukhwinder Kaur @ Shindo and subsequently, alleged to have solemnized marriage with her, and thereafter, preferred a petition under Section 482 Cr.P.C. before this court seeking protection which was disposed of by this Court vide order dated January 21, 2014. In the said petition, birth certificate of Sukhwinder Kaur @ Shindo, showing her date of birth as April 22, 1985

was annexed, which, on verification, as per report bearing No.256 dated November 18, 2015 made by the office of Civil Surgeon, Tarn Taran, was found to be forged one.

3. Contention of learned counsel for the petitioner is that petitioner is being dragged in the matter at the instance of complainant. Earlier, in FIR No.106 dated December 22, 2013 under Sections 363, 366-A read with Section 120-B IPC, Police Station, Khalra, District Tarn Taran, co-accused of the petitioner namely Jhirmal Singh, Sukhdev Singh and Harjinder Kaur who have already been acquitted. Learned counsel further undertakes that petitioner is ready to join the investigation as well as to comply with other terms & conditions imposed by this Court in case he is granted the concession of bail.

4. On the other hand, learned State counsel has opposed the petition submitting that petitioner is at large. Even, he was also declared Proclaimed Offender in aforesaid case bearing FIR No.106 dated December 22, 2013. Moreover, the birth certificate which was furnished before this Court in a petition (Criminal Miscellaneous No.M-2186 of 2014) preferred for protection, has been found to be a forged and fabricated one as that was not issued by the office of Civil Surgeon, Tarn Taran. Thus, his custodial interrogation is necessary.

5. Undisputably, petitioner has been declared Proclaimed Offender in case bearing FIR No.106 dated December 22, 2013, the acquittal of his co-accused does not *ipso facto* mean that case of the prosecution is also not established against the petitioner. Moreover, birth certificate of Sukhwinder Kaur @ Shindo was produced before this Court while filing Criminal Miscellaneous No.M-2186 of 2014 under Section 482 Cr.P.C.,

said certificate has been found to be not issued by the office of Civil Surgeon, Tarn Taran, and as such, the same is forged and fabricated. So, in the given circumstances, this Court is of the considered view that custodial interrogation of the petitioner is necessary and in the absence thereof, investigation of the case is likely to be stultified. Moreover, since the petitioner is a Proclaimed Offender in another criminal case, he does not deserve the concession of pre-arrest bail. Thus, taking the case of petitioner from either of the angles, this Court does not find it a fit case to extend the concession under Section 438 Cr.P.C.

6. Dismissed.

October 20, 2016

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(Jaspal Singh)
Judge

Whether Speaking/ Reasoned:

Yes/ No

Whether Reportable:

Yes/ No