

1.

Crl. Misc. No.M-13080 of 2017 (O&M)
Date of Decision: July 26, 2017

.....PETITIONER(s).

State of Punjab

....RESPONDENT(s).

2. CrI. Misc. No.M-14456 of 2017 (O&M)

.....PETITIONER(s).

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Chandan Singh Rana, Advocate
for the petitioner in CRM-M-13080-2017.

Mr. Vishavjeet Singh, Advocate
for the petitioner in CRM-M-14456-2017.

Ms. Rajni Gupta, Senior D.A.G. Punjab.

SURINDER GUPTA, J.(Oral)

These petitions have been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioners in case FIR No. 56 dated 08.03.2017 registered for the offences punishable under Sections 177, 200, 420, 465, 467, 468, 471 read with Section 120-B of Indian Penal Code (for short IPC) at Police Station Division No. 5,

Ludhiana.

Heard.

The above mentioned FIR was registered on the complaint of Judicial Magistrate Ist Class, Ludhiana, stating that petitioner-Ashok Kumar furnished surety bond for the release of accused namely Sheela Devi on bail. Along with surety bond, the petitioner had produced *Jamabandi* for the year 2004-05 as proof of his property, which on verification was found to be fabricated. The petitioner had also given a sworn affidavit in support of his contention that he owned property as per *Jamabandi* for the year 2004-05. The allegations against petitioner-Om Parkash are that he identified Ashok Kumar posing as Lambardar-Mahinder Singh. That identity card was having photograph of Om Parkash and in this manner he has also played fraud with the Court.

Learned counsel appearing for petitioner-Ashok Kumar submits that the entire allegations levelled against petitioner Ashok Kumar are based on documentary evidence for which he will face the trial and his custodial interrogation is not required.

Learned counsel appearing for petitioner-Om Parkash submits that police has yet to verify as to whether petitioner-Om Parkash had identified the surety and his signatures/thumb impressions are on the surety bond.

Learned State counsel on instructions from ASI Baldev Singh submits that police has procured the copy of identity card attached with the surety bond which has the photograph of present petitioner-Om Parkash, who had identified the surety, while posing as Lambardar

Mahinder Singh.

Learned counsel appearing for petitioner-Ashok Kumar has relied on the observations in cases *Naresh Kumar Vs. State of Punjab, 2010 (1) R.C.R. (Criminal) 318* and *Kuldip Singh and another Vs. State of Punjab, 2014(13) R.C.R. (Criminal) 152* wherein co-ordinate Bench of this Court has allowed bail in cases registered for the offences punishable under Sections 406, 420, 467, 468, 471 read with Section 120-B IPC, keeping in view peculiar facts of those cases. In this case, petitioners have played fraud with the judicial system and misled the Court by furnishing forged documents which were accepted while attesting bail bonds for bail of the accused. This is a serious matter which call for detailed and thorough investigation and custodial interrogation of petitioners is required for further investigation to ascertain their role in other such matters.

There is no merits in both these petitions, the same are dismissed.

(SURINDER GUPTA)
JUDGE

July 26, 2017
Sachin M./Jyoti-II

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>