

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. CRM-M-8807 of 2017
Date of Decision: 22.05.2017

Kulbir Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

2. CRM-M-7934 of 2017

Bikramjeet Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. J.S. Thind, Advocate
for the petitioners in both the petitions.

Ms. Bhavna Gupta, DAG, Punjab.

Mr. G.S. Sandhu, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

Both the petitions captioned above have been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to petitioners in case FIR No. 28 dated 15.02.2017 registered for the offence punishable under Section 420 of Indian Penal Code (for short 'IPC'), at Police Station Kamboj, District Amritsar (Rural).

Heard.

Learned State counsel submits that FIR was registered against petitioners on the allegation that petitioner-Bikramjeet Singh (CRM-M-7934-2017) applied for arms licence and used a document i.e. ration card in support of his plea that he is resident of village Gaunsabad, which the

complainant has alleged to be a fake document. Petitioners have joined the investigation and their custodial interrogation is no more required for the purpose of further investigation in this case.

Learned counsel for complainant submits that police has not registered FIR for offence punishable under Sections 468 and 471 IPC despite the fact that forged ration card was used for obtaining the arms licence.

Learned counsel for petitioners submits that there is no evidence with the police to substantiate the allegation of complainant that ration card of Bikramjeet Singh was false one. Till this fact is not verified that ration card of petitioner-Bikramjeet Singh is false, offences punishable under Sections 468 and 471 IPC cannot be added in the FIR.

The matter is still under investigation and the police has yet to verify as to whether ration card of the petitioner-Bikramjeet Singh is fake? If it is so, offences punishable under Sections 468 and 471 IPC or any other offence can be incorporated in FIR at any point of time at later stage.

Keeping in view the fact that petitioners have joined the investigation and allegations made against them are based on documentary evidence, both these petitions are allowed and orders dated 16.03.2017 passed in CRM-M-8807-2017 and 09.03.2017 passed in CRM-M-7934-2017 are made absolute till the presentation of challan, subject to the following terms:-

- (i) that petitioners shall make themselves available for interrogation by the police as and when required;
- (ii) that petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against them so as to dissuade him from disclosing such facts to the Court or

- to any police officer;
- (iii) that petitioners shall not leave India without the prior permission of the Court.
- (iv) that petitioners will seek regular bail on the presentation of challan in Court.

May 22, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No