

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-13584-2018 (O&M)
Date of decision: 6.12.2018

Jai Bhagwan

... Petitioner(s)

VERSUS

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. N.D.Achint, Advocate.
for the petitioner.

Mr. V.G.Jauhar, Sr. DAG, Punjab.

Mr. Deepak K. Sharma, Advocate,
for the complainant.

RAJ SHEKHAR ATTRI, J.

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.62 dated 25.5.2015 registered for the offences punishable under Sections 420, 465, 467, 468, 471, 120-B of Indian Penal Code, at Police Station Cantt. Ferozepur, District Ferozepur.

Heard.

At the relevant time, petitioner-Jai Bhagwan was working as a driver in Indian Air Force. The authorities of Indian Air Force have issued licence Annexure P-4 vide which he has been authorised to drive motor cycle up to 15 CWT Coach Tractor, refueller etc. He also obtained driving licence from District Transport Officer, Ferozepur. The complainant who is an Advocate and is also relative of the petitioner, moved an application that

the driving licence of the petitioner is fake. Thereafter, the inquiry was conducted. It has been observed by the investigating agency as under : -

“.....During the investigation no criminal intention of respondent was found. This was conducted after enquiry from Sirsa and Jai Bhagwan was proved innocence. After that Vikram Singh Nehra has given application to S.S.P., Ferozepur that license No.1548/F dated 22.01.1990 in the name of Jai Bhagwan is wrong. At this enquiry was conducted by E.O. Wing and case was registered against Surinder Pal Clerk D.T.O. Office, Ferozepur and Jai Bhagwan Singh. During the investigation this matter has come into the light that Vikram Singh Nehra and Jai Bhagwan Singh are relatives. They both are involved in a dispute of property concerned with their uncle. Because of this Vikram Singh Nehra is submitted complaints again and again against Jai Bhagwan just because to entangle him in court case. During the investigation this matter has come to light that if any tempering in the record was done at the office of D.T.O., then there is no fault of Jai Bhagwan Singh the case should be registered against the person who has tempered the record at D.T.O. That after going through the enquiry for the application and perusing the record and documents available on the file there is no proof against Jai Bhagwan Singh for his arrest. Therefore the name of respondent Jai Bhagwan is removed from the present case as he is innocent. The report is being sent to Senior Officers for approval. If approved then the challan be submitted for

remaining accused in the court be ordered.”

Learned State counsel on instructions from ASI Baldev Raj states that the petitioner has joined the investigation and nothing is to be recovered from him.

Without expressing any opinion on the merits of the case, this petition is allowed and the order dated 4.4.2018 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioner shall make himself available for interrogation as and when required by the police;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave India without the prior permission of the trial Court.
- (iv) that the petitioner will seek regular bail on the presentation of challan in Court.

December 6, 2018
Paritosh Kumar

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No