

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

CRM-M-34324-2018
Date of decision:12.11.2018

Balbir Singh and others

....Petitioners

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. S.S. Rangi, Advocate and
Mr. Satinder Singh, Advocate
for the petitioner.

Mr. A.S. Sandhu, Addl. A.G., Punjab.

GURVINDER SINGH GILL, J. (ORAL)

The petitioners seek grant of anticipatory bail in respect of FIR No.123 dated 01.07.2018 under Sections 420, 467, 468, 471, 120-B and 34 of Indian Penal Code, 1860, Police Station Sadar Patti, District Tarn Taran.

Ms. Kawaljyot Kaur, Advocate puts in appearance on behalf of the complainant and has filed power of attorney, which is taken on record.

The allegations, in nut-shell are that the complainant had issued a cheque for an amount of ₹20,000/- towards a part payment of the sale transactions, pertaining to purchase of land by the complainant from the petitioners but the petitioners are alleged to have tampered with the

said cheque and had added the word '9' before the amount ₹20,000/- and had converted the said of ₹20,000/- into a cheque of ₹9,20,000/-.

It is the case of the complainant that with the permission of the Court the said cheque has been got examined from Handwriting Expert who had also opined that the said cheque had been tampered with.

Notice of the petition was issued to the respondent-State.

Learned State counsel assisted by learned counsel for the complainant have opposed the petition.

Having heard learned counsel for the parties, I find that the present case is based solely on documentary evidence inasmuch as the entire case revolves around the fact '*as to whether the cheque in question was forged or tampered by the petitioners or not*'? The original cheque is already in possession of Police. It has been informed by learned State counsel on instructions from ASI Rasal Singh that the petitioners have since joined investigation.

Having regard to the facts and circumstances of the case and bearing in mind the fact that it is case which is totally based on documentary evidence, I do not find that it to be a case of custodial interrogation. Accordingly the petition is accepted and the interim directions issued vide dated 10.08.2018 by this Court are hereby made absolute subject to the condition that the petitioners would appear before Investigating Officer as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

The petition is accepted in the above mentioned terms.

It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

12.11.2018
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No