

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-735 of 2019 (O&M)
Date of decision : May 01, 2019

Jaspreet Singh @ Jassa

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Liaqat Ali, Advocate, for the petitioner
Mr. Saurav Khurana, DAG, Punjab, for the State with
ASI Sukhdev, PS Raikot, District Ludhiana.

Fateh Deep Singh, J. (Oral)

This order shall dispose of first anticipatory bail application under Section 438 Cr.P.C. of accused Jaspreet Singh @ Jassa filed before this Court in case bearing FIR No. 121 dated 16.8.2018 under Sections 363, 366-A, 420, 467, 468, 471, 473 IPC and Sections 11 and 12 of the Protection of Children from Sexual Offences Act, 2012, Police Station Sadar Raikot, District Ludhiana Rural.

The present case has been got registered by complainant Gulam Husain father of victim a minor girl aged around

16 years. It is alleged that on 13.8.2017 around 10.00 AM while they were in their house the victim who was having meals ran out and sped away in a vehicle. On suspicion that a Tantrik Baba Sarabjit Singh alias Sabbi who used to visit their home since one year might be instrumental in this elopement of his daughter, the present case was got registered. By another quirk of fate, it transpired that in a petition for protection preferred before this Court on behalf of the victim, a birth certificate purported to have been issued by Municipal Council, Rupnagar was filed to facilitate securing of favourable orders from this Court. It is there in the investigations that the petitioner was instrumental in forging this birth certificate as his brother co-accused happens to be Clerk in this Local Body.

Mr. Liaqat Ali, counsel for the petitioner has argued that on similar facts two different FIRs have been got registered against the petitioner one is the present FIR and in the second FIR there are allegations that the petitioner and his co-accused were carrying on nefarious trade in preparing bogus and forged certificates. Thus, it was contended by the counsel for the petitioner that two FIRs are not otherwise sustainable and that nothing is to be recovered from the petitioner and nothing has come about against him necessitating his custodial interrogation.

Mr. Saurav Khurana, DAG, Punjab assisted by ASI Sukhdev, PS Raikot, District Ludhiana has stoutly opposed the grant

of the relief on the grounds of seriousness of the allegations arguing that forged birth certificate has been got prepared by the petitioner purported to have been issued by a government undertaking and therefore, custodial interrogation is necessary to unearth the entire gamut of the nexus.

Appreciating the arguments as has been brought to the notice of this Court by the learned State counsel it was the accused-petitioner who was instrumental in getting prepared the birth certificate which is not only forged but also carrying the seal and signatures of Local Civic Authority and which was ultimately used in this Court to procure a favourable order. Thus, in the light of the seriousness of the allegations necessitates custodial interrogation of the petitioner. More-so such like rackets have attained notoriety and needs to be curbed and dealt with heavy hand. Thus, finding no merit in the present petition, the same stands dismissed.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

May 01, 2019
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No