

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

(I)

CRM-M-27216-2018 (O&M)
Date of Decision:-4.4.2019

Ashok Kumar

... Petitioner

Versus

State of Haryana

... Respondent

(II)

CRM-M-28961-2018 (O&M)

Sher Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Abhimanyu Singh, Advocate for the petitioner(s).
Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana.
Mr. J.P. Sharma, Advocate for the complainant.

GURVINDER SINGH GILL, J.

1. This order shall dispose of the aforesaid two petitions filed on behalf of the petitioners, Ashok Kumar and Sher Singh, seeking grant of anticipatory bail in respect of a case registered vide FIR No.02 dated 2.1.2018 at Police Station Mahendergarh, District Mahendergarh under Sections 420 and 467 of Indian Penal Code, 1860.
2. The FIR was registered at the instance of Dhan Singh, wherein it has been alleged that Sher Singh son of Sohan Singh in connivance with Ashok

Kumar Nambardar had prepared forged documents i.e. Voter Card, Ration Card, Senior Citizen Card, and Aadhar Card for taking undue benefits and for causing loss to the complainant. It is alleged that Sawant Singh and Sohan Singh are two different persons, although both were born from Jeevan Singh. Savant Singh at the age of 7-8 years was adopted by Nathan Singh, who was having a lot of land but was not having any child. However, Savant Singh was later murdered by thieves in the year 1984. It is alleged that the accused Sher Singh son of Sohan Singh had prepared fake documents i.e. Voter Card, Ration Card, Senior Citizen Card, Aadhar Card, PAN Card etc. by showing himself to be son of Sawant Singh and that infact he is also facing trial in respect of FIR No.155 dated 10.4.2015 registered at Police Station Mahendergarh, District Mahendergarh under Section 420 of Indian Penal Code, 1860 for having made a bogus ration card. It is further alleged that on the basis of the fake ration card, he had succeeded in making other fake documents as well. It is alleged that the correct position can be got known from the revenue record. It is further stated therein that the present Tehsildar, Naib Tehsildar and office Kanungo Madan Lal, Naresh Kumar, Patwari Subey Singh and Halqa Kanungo Pali Ramesh Kumar all are aware about the parentage of Sher Singh to be son of Sohan Singh but the Tehsildar and Naib Tehsildar are also involved and are not stating the truth. It is further alleged that the Tehsildar Manbir and Naib Tehsildar Rattan Lal had got recorded false mutation No.7571 in connivance with Sher Singh and while taking undue advantage of their post had caused huge loss to the complainant and to other members of their family.

3. The learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in the present case and that, in any case, the

entire case is based on documentary evidence and in these circumstances, the petitioners deserve the concession of bail.

4. On the other hand, the learned State counsel, assisted by learned counsel for the complainant has submitted that the petitioner Sher Singh in an attempt to usurp the property of the complainant is trying desperately to show himself to be son of Sawant Singh and that infact on an earlier occasion, when Sher Singh had filed CRM-M-12603-2014 seeking grant of anticipatory bail in FIR No.90 dated 6.3.2014 registered at Police Station Mahendergarh under Sections 420 and 379 of Indian Penal Code, 1860, he had shown himself to be son of Sawant Singh but subsequently the petitioner Sher Singh withdrew his petition on 27.4.2015 by specifically stating that he wishes to withdraw the petition with liberty to file a fresh one with correct parentage.
5. It also needs to be mentioned that subsequently the petitioner filed CRM-M-33056-2015 by showing himself as Sher Singh son of Sohan Singh seeking grant of anticipatory bail in the same very FIR i.e. FIR No.90 dated 6.3.2014.
6. In view of the aforestated position, this Court finds that the allegations as levelled in the FIR are *prima facie* substantiated and do show that the petitioner Sher Singh has been trying to project himself as son of Sanvat Singh instead of being son of Sohan Singh. Infact he himself, on an earlier occasion, had withdrawn a bail application so as to file a fresh one with correct parentage and thereafter he did file a fresh petition by showing himself to be son of Sohan Singh. In these circumstances, the entire documents allegedly forged by the petitioner Sher Singh need to be examined throughly and the connivance of the officials of the departments

concerned also needs to be probed and for which custodial interrogation of the petitioner would be required. The petition on behalf of petitioner Sher Singh, as such, is sans any merit and is hereby dismissed.

7. As regards the petition filed on behalf of petitioner Ashok Kumar, he cannot be stated to be a beneficiary of the forged documents. He had identified the petitioner on some of the documents but it will be required to be determined as to whether he was aware that petitioner was projecting an incorrect parentage. Although his role is also required to be probed but not to the extent as the role of Sher Singh is required to be probed and examined. As such, the petition filed on behalf of petitioner Ashok Kumar is accepted. In the event of arrest, the petitioner Ashok Kumar be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner Ashok Kumar shall join the investigation 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.

4.4.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No