

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

Sr. No.206

CRM-M-29937-2019

DECIDED ON: December 09, 2019

NIRLAP SINGH AND ANOTHER

...PETITIONERS

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Karanjit Singh, Advocate, for the petitioners.

Mr. Amandeep Singh Gill, Sr. DAG, Punjab.

Mr. Yogesh Goel, Advocate, for the complainant.

SUDHIR MITTAL, J. (ORAL)

The petitioners seek anticipatory bail in FIR No.60, dated 24.06.2019 registered at Police Station Dhariwal, District Gurdaspur, under Sections 406 & 120-B IPC.

2. Learned State counsel submits that the petitioners have joined investigation again pursuant to order dated 26.11.2019 and that they are cooperating therewith.

3. Learned counsel for the complainant submits that a forged and fabricated experience certificate has been returned to the complainant and thus, the petitioners are guilty of forgery as well. Thus, they do not deserve the concession of anticipatory bail.

4. The FIR has been registered under Sections 406 and 120-B IPC with the allegation that the in-laws of the complainant were having illegal

CRM-M-29937-2019

possession of her original passport, Degree of B.Sc. Nursing, experience certificate and original W.E.S certificate. The said documents were handed over by the complainant for the purposes of obtaining a permanent residency in Canada but instead of getting a visa of permanent residence, the petitioners started harassing the complainant for dowry and also did not return her original documents.

5. As per the police and the learned counsel for the petitioners, all the original documents have been handed over to the complainant. Even if the original experience certificate, as alleged by learned counsel for the complainant, has not been handed over and a forged copy thereof has been supplied, the complainant would be at liberty to get a duplicate copy of the original experience certificate from the concerned hospital. There are no allegations of forgery in the present FIR and such allegations cannot be imported into the present FIR. However, this would not operate as a bar on the complainant to take further proceedings in accordance with law as may be advised.

6. The petition is allowed and the interim bail granted to the petitioners vide order dated 17.07.2019, is made absolute subject to compliance of conditions enshrined under Section 438(2) of the Code of Criminal Procedure, 1973, by them.

December 09, 2019

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No