

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

Sr. No.208

**CRM-M-64716 of 2018
DECIDED ON: February 05, 2019**

HARBHAJAN SINGH

..PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Hardeep Singh, Advocate, for the petitioner.

Mr. Luvinder Sofat, Assistant Advocate General, Punjab.

Mr. Arun Abrol, Advocate, for the complainant.

SUDHIR MITTAL, J. (ORAL)

The petitioner seeks anticipatory bail in FIR No.81, dated 03.08.2018, registered at Police Station Division No.4, District Patiala under Sections 419, 420, 465, 468, 471, 120-B IPC.

Learned counsel for the petitioner submits that a complaint dated 02.02.2017 was submitted by one Kuldeep Singh son of Pritam Singh against the petitioner that he was involved in the business of providing fake sureties for the purposes of obtaining bail as well as for preparing forged documents based on which, the person standing surety provided proof of ownership of property. The complaint was enquired into by an officer of the rank of Deputy Superintendent of Police, but no incriminating evidence was found against the petitioner. However, other persons were found to be

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involved in the racket and FIR No.81, dated 03.08.2018 was registered. During the course of investigation, a co-accused namely Buta Singh implicated the petitioner and thus the necessity arose to seek anticipatory bail. It is argued that the complainant has filed more than 15 complaints against the petitioner including complaints regarding furnishing false sureties and all of them have been found to be false. There is also on going civil and criminal litigation with the complainant and thus, the present FIR is motivated. Consequently, the petitioner deserves the concession of anticipatory bail.

Learned State counsel as well as counsel for the complainant submit that during the course of investigation, aforementioned Buta Singh got his statement recorded that petitioner is the king pin of a gang involved in producing fake sureties and that in a particular case the petitioner paid money to him to identify persons who stood surety. It is only on the basis of this information, the petitioner was nominated as an accused and his custodial interrogation is necessary for unraveling the case. The petitioner is not as innocent as he claims to be. Earlier he has been convicted in FIR No.111, dated 18.08.2011, registered under Sections 341, 427, 397, 323, 324 IPC and has been sentenced to undergo RI for a period of 07 years. There is also a conviction under Section 138 of Negotiable Instruments Act, 1881. Thus, the petitioner does not deserve the concession of anticipatory bail.

From the arguments of the parties, it is evident that co-accused Buta Singh has named the petitioner as the king pin of a gang involved in providing false sureties. Thus, the custodial interrogation of the petitioner

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is necessary to obtain information regarding the persons who have impersonated holders of property as well as the source of providing forged documents. The argument that the present FIR is motivated, cannot be accepted once the police has found credible information to implicate the petitioner. The petitioner also has criminal antecedents and thus, keeping in view the totality of the facts and circumstances of this case, he does not deserve the concession of anticipatory bail.

The petition is accordingly dismissed.

February 05, 2019

Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No