

1)

CRM-M-686-2020
Date of decision: 14.02.2020

PRITPAL SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

2)

CRM-M-990-2020

KEWAL KRISHAN

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. Kanwaljeet Singh Brar, Advocate
for the petitioner in CRM-M-686-2020.Mr. A.S.Sidhu, Advocate
for the petitioner in CRM-M-990-2020.Mr. Balbir Singh Sewak, Addl. AG, Punjab.
****VIVEK PURI, J. (ORAL)

Present petitions are under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioners, namely Pritpal Singh and Kewal Krishan in case FIR No. 12 dated 31.10.2018 registered under Sections 420, 465, 466, 467, 468, 471, 120-B IPC at Police Station Vigilance Bureau, District Bathinda on the allegations that an FIR bearing No.15 dated 07.09.2017 under Sections 7 and 13 (2) of Prevention of Corruption Act was registered at Police Station Vigilance Bureau, Bathinda against Kewal Krishan-petitioner, who was working as District Commandant, Punjab Home Guard, Bathinda. During the investigation it was found that PHG Pritpal Singh was appointed as volunteer in the year 1992 and FIR bearing No. 248 under Section 15 of the NDPS Act was registered at Police Station Khuhian Sarwar, District Ferozepur. Pritpal Singh-petitioner was convicted on 13.09.2012. Consequently, he was removed from the job in the year 2008. The District Commandant, Punjab Home Guard, Bathinda reinstated

him vide letter dated 28.02.2013. Thereafter, Kewal Krishan-petitioner called Pritpal Singh-petitioner and informed that he cannot continue in the job as the case under NDPS Act was registered against him and his appointment order was wrong. Kewal Krishan-petitioner handed over the copy of the judgment in FIR bearing No. 98 dated 15.07.2013 under Section 15 of the NDPS Act registered at Police Station, Faridkot and asked him to prepare the copy of the judgment as sample on the computer and hand over it to him. Pritpal Singh-petitioner had handed over the judgment of acquittal to Kewal Krishan. Subsequently, there was exchange of some illegal gratification regarding which separate case has been registered.

It has been stated by the learned counsel for Pritpal Singh-petitioner that he was never a party to the forgery of the judgment and the same has been prepared by Kewal Krishan and the same has also been recovered from the Almirah in his office.

It has been argued by the learned counsel for Kewal Krishan-petitioner that he is being falsely implicated.

It has been pointed out by the learned State counsel that the forged judgment has been produced on the record and benefit has ensued to Kewal Krishan-petitioner for continuation in service as he is working as volunteer in the Punjab, Home Guard.

Although, the case bearing FIR No. 15 dated 07.09.2017 has been registered against Kewal Krishan-petitioner but it has been pointed out that the matter is still under investigation and challan has not yet been presented.

In the instant case, there are serious allegations with regard to the forgery of a judgment with an attempt to depict that Pritpal Singh-petitioner was in fact acquitted instead of the fact that he was convicted by the learned Judge,

Special Court, Ferozepur. The judgment has been forged by both the petitioners in conspiracy with each other and the same has been used for the official purposes and such an offence, cannot be viewed only.

In such circumstances, the matter required thorough consideration and investigation. The custodial interrogation of the petitioners appears to be essential for the proper investigation of the case.

In view of the above, the present petition stands dismissed.

14.02.2020
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No