

CRM-M-21466-2021

Date of decision: 28.05.2021

Ranjeet Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. L.M. Gulati, Advocate
for the petitioner.Mr. Luvinder Sofat, AAG, Punjab
for the respondent-State.Mr. Manish Kumar, Advocate
for the complainant.**FATEH DEEP SINGH, J. (ORAL)**

Due to outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

The allegations against the petitioner/accused-Ranjeet Singh who has come up in this first anticipatory bail application under Section 438 Cr.P.C. in a case bearing FIR No.60 dated 17.05.2021 under Sections 465, 467, 468, 471 and 120-B of the Indian Penal Code registered at Police Station Dhakoli, District SAS Nagar, Mohali are that the accused/petitioner-Ranjeet Singh along with his co-

accused/non-applicant-Ajit Pal Singh, who are running business under partnership firm VAR hospitality took on rent premises owned by the complainant side and, subsequently, when a dispute arose between the parties over payment of rent, a settlement deed is alleged to have been fabricated by the petitioner/accused and which document was filed in the Civil Court pending between the parties.

Learned counsel for the petitioner *inter alia* contends that the allegations on the base of it is the claim that the document has been forged and used in a civil proceedings. It is argued that Section 195 Cr.P.C. postulates that proceedings as per Section 340 Cr.P.C are to be undertaken and the police cannot take cognizance of the offence.

The learned State counsel assisted by counsel for the complainant has emphatically claimed that the petitioner and his co-accused committed grave and heinous offence entitling their custodial interrogation and has prayed fraud not only with the complainant but with the Court as well has been played and sought dismissal of the bail.

Be so as it may, under Section 195 Cr.P.C., in such an eventuality, it is the prerogative of the Court, where the forged and fabricated document has been filed to make a complaint against the wrong doers. The police does not have power to take cognizance of the offence which was committed before the Court. Thus, without commenting upon the manner in which the investigation has come

about, it is a fit case to allow the bail.

In view of the above, the present petition stands allowed and the petitioner is directed to appear before the Investigating Officer within a period of 15 days, in which event he be admitted to bail to the satisfaction of the Investigating Officer.

The petitioner shall, however, appear as and when called for and shall also abide by the conditions specified under Section 438 (2) Cr.P.C.

The petition stands disposed off accordingly.

28.05.2021

Neha

**(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No