

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

CRM-M-26905-2019 (O&M)
Date of Decision:-4.10.2021

Gurinder Pal Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. M.K. Dogra, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

Mr. Gurbir Singh Pannu, Advocate for the complainant.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.180 dated 21.6.2013 at Police Station Civil Lines, District Amritsar City under Sections 420, 120-B of Indian Penal Code, wherein offences under Sections 465, 466, 467, 469, 471 and 201 of IPC were added later on.
2. The FIR was lodged at the instance of Jatinder Singh, wherein the allegations are broadly to the effect that the petitioner had held out a representation to the complainant that he could send him to America. The complainant and his cousin Harinder Singh entered into an agreement with the accused for

sending them to America in return for an amount of ₹22 lakhs per person. It is alleged that thereafter they gave their passports, photographs and an amount of ₹3 lakhs to the petitioner and his son Davroop Singh. It is alleged that subsequently the petitioner and his son asked for another amount of ₹18 lakhs towards expenditure and consequently the said amount of ₹18 lakhs was paid to Gurinderpal Singh (petitioner) and to his son Davroop Singh and Gurinderpal Singh promised that the work would be done within 15 days and that the remaining amount may be paid later after they are sent to America. However, the complainant and his cousin were not sent abroad and when they demanded their amount back, the accused kept on dilly dallying the matter and rather threatened to implicate them falsely.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and a written agreement is alleged to have been entered into amongst the complainant and the accused and when the said agreement was sent for comparing the signatures of the petitioner with his standard signatures to FSL, it was reported initially that the signatures were found to be tallying. However, when the petitioner agitated the matter, the matter was again sent to FSL and it transpired that the earlier report was infact a fabricated and forged report and that the FSL had infact reported that the signatures did not tally.
4. Learned counsel for the petitioner has submitted that infact in the instant case there have been several inquiries in the matter, wherein conflicting reports have been received and at one point of time the complainant was found to have connived with the officials of FSL and FIR No.42 dated 7.2.2014 at Police Station Civil Lines, Amritsar, District Amritsar under Sections 420,

465, 466, 467, 471 and 120-B of Indian Penal Code came to be lodged against the complainant.

5. Learned counsel for the petitioner has further submitted that the complainant despite registration of the FIR managed to maneuver the investigation and a cancellation report was presented by the police but the same was not accepted by the Court. Learned counsel has thus submitted that, in these circumstances, the petitioner deserves the concession of anticipatory bail. Learned counsel for the petitioner has submitted that infact a cancellation report in respect of the instant FIR i.e. FIR No.180 dated 21.6.2013 has also been presented by the police but the same was not accepted by the Court.
6. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that in the present case infact it is the petitioner, who has been conniving with the officials of FSL and has been able to procure fabricated reports. Learned State counsel, in this regard, has referred to para No.10 of the reply, which reads as follows:

“10. That the Special Investigation Team has concluded that the first original report of the Forensic Science Laboratory, Punjab, SAS Nagar bearing No.D.O.C./444/2013/FSL/PB/Dated 14.10.2013 (Annexure R-1), according to which, the signature of the petitioner Gurinderpal Singh available on the agreement in question, which was taken into police possession in case FIR No.180 dated 21.6.2013 u/s 420, 120-B IPC, P.S. Civil Lines, Amritsar, was found genuine, has been destroyed and thereafter two different reports bearing same number, have been prepared and overwriting has been made on the above agreement in question. This all has been done in connivance with Doctor Ashwani Kalia, Assistant Director (Documents), Forensic Science Laboratory, Punjab, SAS Nagar by the petitioner Gurinderpal Singh in order to make investigation of the above

cases favourable to him. Therefore, the Special Investigating Team vide its detailed report recommended that case FIR No.42 dated 7.2.2014 under Sections 420, 465, 466, 467, 471 and 120-B IPC, PS Civil Lines, Amritsar may be cancelled and investigation of the FIR No.180 dated 21.6.2013 u/s 420, 120-B IPC, P.S. Civil Lines, Amritsar may be resumed and offences under Sections 467/468/469/471/201 of IPC may be added and Doctor Ashwani Kalia, Assistant Director (Documents), Forensic Science Laboratory, Punjab SAS Nagar may also be nominated as additional co-accused in this case. In addition to this recommendation was made by the Special Investigation Team for conducting Regular Departmental Enquiry against the Investigating Officer Local Rank, Sub-Inspector Harjit Singh No.50/ASR for the negligence and carelessness on his part for allowing overwriting on the agreement in his custody.”

7. Learned State counsel assisted by learned counsel for the complainant has thus prayed for dismissal of the petition.
8. I have considered rival submissions addressed before this Court.
9. It is a case where conflicting reports have been received from FSL though it also appears that some reports were infact forged. While the initial report of the FSL was dated 14.10.2013 but the police file, which has been shown to this Court, shows that there are 3 different reports bearing date 14.10.2013, which goes a long way to show that the reports in the instant have been forged at some stage and have been tampered with. Another report dated 27.12.2018 is also on the file, as per which there was over writing of signatures.
10. The controversy in hand has certainly assumed a chequered history inasmuch in both the cross FIRs, cancellation reports have been filed by the police, which have not been accepted by the Courts yet and there are conflicting

reports as regards the disputed signatures. In any case, it goes without saying that the matter in question is based mainly on documentary evidence, which is already in possession of the police. In these circumstances, this Court is of the opinion that the facts and peculiar circumstances of contradictory reports do not warrant any custodial interrogation. The petition, as such, is accepted and it is ordered that the petitioner, in the event of arrest, be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

4.10.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No