

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

CRM-M-51315-2021 (O&M)
Date of Decision:- 17.12.2021

Ashwani Kumar @ Badal @ Ashwani ... Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gagandeep Singh, Advocate, for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab,
assisted by SI Bakshish Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in a case registered vide FIR No.185, dated 25.9.2021, Police Station City, Gurdaspur, District Gurdaspur, under Sections 420, 467, 468, 471 IPC.
2. The FIR was lodged pursuant to order passed by the Court of Sh. Jaswinder Singh, Additional Sessions Judge, Gurdaspur, in a matter pertaining to FIR No. 31, dated 7.2.2018, Police Station Civil Line, Batala, under Sections 379-B/34 IPC and Sections 25/27 of Arms

Act. The order passed by learned Additional Sessions Judge, Gurdaspur, reads as under:

“Present: Sh. Kiran Kumar, Additional P.P. for State Accused Ashwani Kumar in person. Accused Ashwani Kumar appeared and suffered a statement that his application for anticipatory bail was allowed by this Court vide order dated 19/04/2021 and he was directed to surrender before the court within 15 days of the order he could not arrange surety. One Sushil Kumar son of Madan Lal of Maan Nagar is known to him. He talked to Sunil Kumar, who told him that he knows one Vijay Kumar, Clerk in Civil Court, Batala and he told him to meet Vijay Kumar. Thereafter, he met Vijay Kumar at Civil Court, Batala who introduced him with a person. Aforesaid person told him that he can arrange surety for him for a consideration of Rs.12,000/-. On his request he agreed to arrange surety in Rs.11,000/- and he paid Rs.2000/- in advance to him as per his demand. Remaining amount was to be paid after furnishing of surety bonds. Thereafter, he arranged surety for him and the bonds were furnished and he paid remaining amount of Rs.9000/- to the aforesaid person. He does not know his name. He even does not know whether the documents submitted in the court by the surety of Numbardar were genuine or not. (2) Heard. In this case accused Ashwani Kumar was granted anticipatory bail vide order dated 19/04/2021 and thereafter accused furnished surety bonds on 03/05/2021. The aforesaid Surety Bonds were sent by this court to Naib Tehsildar, Naushehra Majja Singh through letter dated 21/05/2021 for verification of the same and the report of Naib Tehsildar was received on 02/07/2021. In the aforesaid report, it is mentioned that the office of Naib Tehsildar, Naushehra Majja Singh has recieved a copy of letter dated 21/05/2021

of this court whereby the bail bonds furnished by accused Ashwani Kumar were sent to the office of Naib Tehsildar for making necessary entry in the revenue record and for verification of the same. During enquiry, it was found that the Fard Hakiat attached with surety bonds was not issued by Halqa Patwari and it does not bear the signatures of present Patwari it is also mentioned in the report that alongwith surety bonds, an identity card of Numberdar Malkiat Singh was also sent by this court and on verification, it was found that there is no Numberdar, namely Malkiat Singh of Village Chuhan Chak. (3) From the statement of accused Ashwani Kumar, it is clear that he had procured surety through Vijay Kumar, Clerk at District Courts, Batala in Rs.11,000/- from the aforesaid Report of Naib Tehsildar Naushehra Majja Singh, it appears that the aforesaid surety bonds were furnished on the basis of forged documents in these circumstances, a copy of this order alongwith a copy of surety bonds and a copy of statement of accused Ashwani Kumar dated 09/07/2021 be immediately sent to Police Station, City Gurdaspur, with a direction to the SHO to verify the genuineness of the documents and in case same are found forged, the SHO is directed to take appropriate action as per law under intimation to this court. The report of SHO be awaited for 27/09/2021.”

3. A perusal of the aforesaid order would indicate that the petitioner *prima facie* has been found to have furnished fake bail bonds/surety bonds. He is also associated with some other accused. In these circumstances, his custodial interrogation would certainly be required to unearth as to how many persons are associated and also the manner in which forged documents were being prepared or procured.

4. Still further, the reply, as filed on behalf of the State would show that he is involved in a large number of cases, the details of which have been mentioned in para No.5 of the reply, which is extracted below:

Sr. No.	FIR No. dated, dated u/s & Police Station	Status
1.	31/07.02.2018 u/s 379/34-IPC & Arms Act PS Civil Line Batala	Pending Court
2.	157/09.07.2004 u/s 307/382/450/120-B IPC PS City, Batala	Cancelled
3.	159/ 07.07.2005 u/s 452/427/506/148/149 IPC PS City Batala	Convicted
4.	348 / 14.11.2005 u/s 324/34 IPC PS City Batala	Acquitted
5.	362/ 18.11.2006 u/s 323/324/379/148/149 IPC PS City Batala	Acquitted
6.	113 / 23.07.2008 u/s 13/3/67-G Act PS City Batala	Convicted
7.	81/ 08.06.2010 u/s 13/3/67-G Act PS City Batala	Convicted
8.	120/ 23.09.2011 u/s 379/411/420/467/468 IPC City Batala	
9.	124/ 12.10.2011 u/s 399/414/467/468 IPC City Batala	Acquitted
10.	120/ 10.11.2015 u/s 395/148/149/120-B IPC and 25 Arms Act PS City Batala	Acquitted
11.	80/ 05.06.2010 u/s 326/324/323/427/148/149/120-B IPC PS City Batala	Acquitted

5. In view of the aforesaid position, this Court does not find any special case for grant of anticipatory bail. The petition is sans any merit and is hereby dismissed.

17.12.2021

mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No