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

CRM-M-51687-2021

Date of decision : 10.12.2021

Ravinder Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Harsh Bunger, Advocate for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.731 dated 27.09.2021 registered under Sections 193, 195, 420, 467, 468, 471, 120-B of the Indian Penal Code, 1860 (hereinafter to be referred as “the IPC”) at Police Station Camp Palwal, District Palwal (Haryana).

Learned counsel for the petitioner has submitted that in the present case, wife of the petitioner namely Sangeeta Rani had got one FIR No.734 dated 17.12.2020 registered under Sections 323, 34, 354-D, 506 of the IPC at Police Station Camp Palwal, District Palwal, against one Nitin and one Harish was also named in the said FIR. It is further submitted that no action was taken against the said accused in the said

FIR and accordingly, representation dated 11.01.2021 (Annexure P-4) was made to the Director General of Police, Sector-6, Panchkula, with respect to the same, wherein it was specifically stated that the police was not taking action against the said accused and they had not arrested them. A complaint was also made on 12.01.2021 (Annexure P-5) to the Delhi Commission for Women. It is argued that wife of the petitioner was again beaten up by the said Nitin with an iron rod causing injuries to the wife of the petitioner on the head and accordingly, a second FIR i.e. FIR No.322 dated 19.05.2021 (Annexure P-10) was registered under Sections 323, 34, 452 and 506 of the IPC. It is further argued that as per CT scan report (Annexure P-7), there was a fracture on her skull and yet, Section 307 of the IPC was not added. It is contended that in fact, FIR No.320 dated 18.05.2021 was registered against the petitioner and his family members and regarding the same, representation dated 16.06.2021 (Annexure P-11) was given by the petitioner to the Superintendent of Police, Palwal. It is further argued that since the injuries suffered by the wife of the petitioner were, as per the version of the petitioner, dangerous to life, thus, an application was moved for re-medical examination/opinion through Board of Doctors/Medical Board, Government Hospital, Palwal and the Judicial Magistrate Ist Class, Palwal vide order dated 02.07.2021 (Annexure P-12) allowed the said application. It is contended that at the time of said application or even before the Medical Board, no such medical report, which is now stated to be an allegedly forged document, was presented by the petitioner. It is submitted that in case, any benefit

was to be derived by the petitioner from the forged document then the petitioner would not have moved an application as medical opinion was in favour of the petitioner's wife as per the forged document. It is further highlighted that perusal of the said order dated 02.07.2021 would show that although on the application moved by the petitioner's wife, no objection had been raised by the State Counsel but yet the application was opposed by ASI Sanjay Kumar. It is further submitted that in fact, document which is alleged to be forged was prepared by ASI Sanjay Kumar. It is further argued that such a document, which is a medical opinion, normally, is not handed to the patient and it is only given during the course of investigation to the police officials. It is further argued that at any rate, the entire case is based on documentary evidence and thus, the custodial interrogation of the petitioner is not required.

Notice of motion.

On advance notice, Mr. Manish Dadwal, AAG, Haryana, appears and accepts notice on behalf of the State and has submitted that he is fully prepared to argue the matter and assist this Court. He has vehemently opposed the present petition for grant of anticipatory bail to the petitioner and has, on instructions from ASI Jeet Ram, submitted that in case, the police had an inimical attitude towards the petitioner then the police would have arrested the petitioner on 19.05.2021, when he had gone to get the FIR registered inasmuch as the police had already registered FIR No.390 dated 18.05.2021 against the petitioner. It is further submitted that in fact, the document had been forged by the

petitioner and the same had been given to the police official, who had correctly registered the present FIR and the investigation with respect to the said document is to be carried out. It is also to be seen as to who all are involved in the commission of the said forgery.

This Court has heard the learned counsel for the parties and has perused the paper book.

A perusal of the file would show that in the present case, the wife of the petitioner had got FIR bearing No.734 registered against Nitin and had been representing before the various authorities, including Director General of Police, vide representation dated 11.01.2021 (Annexure P-4) and complaint dated 12.01.2021 (Annexure P-5), which had been made to Delhi Commission for Women, to state that the police was not taking action against the accused person/s. From the above documents, it prima facie appears that wife of the petitioner was not satisfied with the conduct of the investigation in the case. It is also apparent that the petitioner's wife had even moved an application for re-medical examination/opinion through Board of Doctors/Medical Board and vide order dated 02.07.2021, Judicial Magistrate Ist Class, Palwal had allowed the said application. It is not disputed that the said alleged forged document was neither produced in the proceedings before the Judicial Magistrate Ist Class, nor before the Medical Board, subsequent to the same. The argument of learned counsel for the petitioner to the effect that the fact that the wife of the petitioner had moved an application would show that he had not forged the document inasmuch as in case, he

had forged the document, he would not have moved such an application, carries weight. A perusal of the order dated 02.07.2021 would also show that although, the State had not opposed the said application but ASI Sanjay Kumar had contested the application by filing a reply. The same also points towards the fact that ASI Sanjay Kumar was opposed to the petitioner and his family members. A perusal of the CT scan report (Annexure P-7) would also show that wife of the petitioner had suffered fracture on her skull and had filed a complaint to state that the necessary penal provisions were not being added in FIR No.322 dated 19.05.2021 (Annexure P-10). The abovesaid fact would prima facie indicate that there was no occasion for the petitioner to have prepared the said forged document. However, this Court does not wish to give any affirmative opinion, either in favour of the petitioner or in favour of the concerned police officials, as the same would be a matter of trial. Since, the arguments raised by the learned counsel for the petitioner are very weighty and the entire investigation is based on documentary evidence and the argument of the learned counsel for the petitioner to the effect that the petitioner has been falsely implicated cannot be ruled out in the present case, thus, this Court allows the present petition for grant of anticipatory bail to the petitioner.

In view of what has been observed above, the present petition is allowed and in the event of arrest, the petitioner is granted the concession of anticipatory bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer and the

conditions envisaged under Section 438(2) of Cr.P.C. However, the petitioner shall join the investigation as and when called upon to do so.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

10.12.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No