

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-15203-2022 (O & M)****Date of decision: 06.09.2022**

Kuldeep Manga Guleria

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Piyush Khanna, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 438 Cr.P.C. is for the grant of anticipatory bail to the petitioner in case FIR No.48 dated 21.03.2022 under Sections 419, 420, 465, 467, 471, 120-B IPC registered at Police Station City, District Hoshiarpur.

2. As per allegations in brief, case bearing FIR No.06 dated 30.01.2021 under Section 22(B) of the NDPS Act, PS Garhshankar was registered against accused Babli @ Babbi and he was granted bail vide order dated 26.02.2021. On 03.03.2021 accused Babli had furnished an application for furnishing bail/surety bonds and produced surety bonds in which alleged Jaswinder Kaur w/o Jarnail Singh stood as surety and she was identified by Lamberdar Kuldeep Singh and Kuldeep Manga Guleria (petitioner). The jamabandi furnished by the surety was sent to the SDO (Civil) for verification and vide report dated 22.02.2022 it was reported that surety Jaswinder Kaur has stated that Lamberdar Kuldeep Singh is not the

never stood as surety for any accused in this Court and she did not know the persons mentioned in the bail bonds. The alleged surety Jaswinder Kaur got identified herself through Kuldeep Singh who alleged himself to be Lamberdar of village Dallewal, whereas Kuldeep Singh was not the Lamberdar of village Dallewal at the relevant time and he produced before the court his fake identity card. The second identifier was Kuldeep Manga Guleria whom the surety did not know.

Based on the aforementioned allegations, the FIR came to be registered at the instance of Mrs. Jatinder Kaur-II, Additional Sessions Judge, Hoshiarpur.

3. The learned counsel for the petitioner contends that the petitioner was a co-accused of Babli and he (petitioner herein) identified the fake Jaswinder Kaur as the real Jaswinder Kaur. He contends that the petitioner has filed the present petition for anticipatory bail and this Court vide order dated 08.04.2022 granted the concession of interim anticipatory bail to the petitioner. He further contends that in pursuance to the aforesaid order, the petitioner has joined investigation and therefore, prays that the order dated 08.04.2022 be made absolute as no case for custodial interrogation was made out.

4. The learned State counsel has filed a short reply dated 05.09.2022 by way of affidavit of Palwinder Singh, PPS, Deputy Superintendent of Police, Sub Division City, District Hoshiarpur on behalf of the respondent-State. The same is taken on record. As per the said reply, when accused Babli in FIR No.06 dated 30.01.2021 furnished an application for furnishing bail/surety bonds and produced the surety bonds of a fictitious Jaswinder Kaur wife of Jarmail Singh, who stood as surety, she was

(the present petitioner) Therefore, it is the contention of the learned State counsel that it was to the knowledge of the petitioner that Jaswinder Kaur wife of Jarmail Singh was a fictitious surety, and therefore, his conduct amounted to obstruction of justice. The offence of the petitioner of identifying a fictitious person as Jaswinder Kaur wife of Jarmail Singh cannot be condoned despite the fact that the petitioner has joined the investigation. It is, thus, contended that the petitioner does not deserve the concession of anticipatory bail.

5. I have heard the learned counsel for both the parties.

6. In the present case, the allegations against the petitioner are grave. He is said to have wrongly identified Jaswinder Kaur wife of Jarmail Singh as a surety. The petitioner is a habitual offender with two cases registered under the NDPS Act against him. The custodial interrogation of the petitioner is necessary for tracing the names and address of the accused Jaswinder Kaur, the fake surety and accused/fake Lambardar Kuldeep Singh.

7. In view of the above, I find no merit in the present petition. The same is hereby dismissed.

(JASJIT SINGH BEDI)
JUDGE

September 06, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No