

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

CRM-M-60056-2022

Date of Decision: 22.12.2022

DASHMESH SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Janak Singh Bhinder, Advocate
for the petitioner.

HARSH BUNGER, J.

Petitioner has filed this petition under Section 438 Cr.P.C. seeking grant of anticipatory bail in case FIR No. 128 dated 11.06.2021, registered under Sections 420, 465, 467, 468, 471 of Indian Penal Code, at Police Station Division No. 4, Patiala, District Patiala.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in this case FIR and he has not committed any offence. It is submitted that till today, no record has been taken into possession as regards the allegations in the FIR that petitioner furnished fake surety bonds on the basis of fake, forged and fabricated Aadhar Cards of different UID numbers and it is yet to be ascertained that whether some other person appeared in place of the petitioner. Learned counsel has further submitted that the case is based on documentary evidence and is triable by Magistrate. It is submitted that nothing has been recovered from the petitioner and his custodial interrogation is not required.

It is stated that the petitioner is ready and willing to join investigation and also to comply with the terms and conditions as may be imposed by this Court or by trial Court and thus, concession of anticipatory bail should be granted.

Mr. Vinay Kumar Gupta, Assistant Advocate General, Punjab, to whom an advance copy of paper book stands served, appears on behalf of the respondent/State and has opposed the present petition for grant of anticipatory bail. It is submitted that in this case, FIR was registered, when a letter was sent by the Chief Judicial Magistrate, Patiala to Senior Superintendent of Police, Patiala with regard to furnishing of fake surety bonds on the basis of fake, forged and fabricated Aadhar Cards of different UID numbers. It is stated that the complaint was received by learned District & Sessions Judge, Patiala, which was got inquired into from the Court of Ms. Manila Chugh, learned Addl. District and Sessions Judge, Patiala, who submitted her report dated 07.05.2021, wherein it was found that Gagandeep Singh and Dashmesh Singh (petitioner herein) had given multiple sureties on the basis of fake Aadhar cards. Accordingly, the instant case FIR was registered against the petitioner. It is submitted that the offence is serious in nature and the petitioner is not entitled to the concession of anticipatory bail.

I have heard learned counsel for the parties and perused the paper book with their able assistance.

A perusal of the paperbook shows that the instant case FIR was registered against the petitioner on the basis of a report dated 07.05.2021 submitted by Ms. Manila Chugh, learned Additional District and Sessions Judge, Patiala. In respect of petitioner (Dashmesh Singh), it is stated in the report that his Aadhar cards with different numbers were found

in 16 files. It appears that before registration of this case, a detailed inquiry was conducted and the petitioner was found to have 16 different Aadhar Cards on his name at different addresses; which was apparently done in order to escape from the Surety Information Management System (SIMS) and to stand surety in multiple cases.

In ***Jai Prakash Singh Versus State of Bihar and another etc., 2012(2) RCR (Criminal) 251***, Hon'ble the Apex Court observed that neither anticipatory bail nor regular bail can be granted as a matter of rule and the anticipatory bail being an extraordinary privilege should be granted only in exceptional cases.

In ***State represented by the C.B.I. Versus Anil Sharma, 1997(4) R.C.R.(Criminal) 268***, Hon'ble the Apex Court had observed that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is on anticipatory bail, in a case like this interrogation of suspected person is of tremendous advantage in getting useful information.

In my considered view, custodial interrogation of the petitioner is very much required and necessary in this case for complete and effective investigation, so as to recover 16 different Aadhar cards being possessed by the petitioner and also to unearth the racket of fake sureties, which is spreading its tentacles in the entire state as also the *modus operandi* of such activities alleged against the petitioner involving other persons. It is high time that all such persons who stand as sureties in multiple cases (apparently for extraneous considerations) and that too on basis of fake documents / identities etc., by taking law in their hands, are booked, prosecuted and adequately punished. In case custodial interrogation is

denied to the investigating agency, that would leave many loose ends, gaps and lacuna in the investigation, thus adversely affecting the case.

Keeping in view the above facts and circumstances, the petitioner in the present case is not entitled for grant of anticipatory bail as no exceptional circumstance has been brought forth in that regard. Accordingly, the present petition under Section 438 Cr.P.C. seeking grant of anticipatory bail to the petitioner in case FIR No. 128 dated 11.06.2021, registered under Sections 420, 465, 467, 468, 471 of Indian Penal Code, at Police Station Division No. 4, Patiala, District Patiala; is dismissed.

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 petition.

December 22, 2022
gurpreet

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No