

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

CRM-M-1565-2023

Date of Decision: 12.1.2023

Naginderjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr.G.S.Bawa, Advocate for the petitioner

Mr.JP Ratra, Sr.DAG, Punjab

...

The petitioner has approached this Court by filing this petition under Section 438 of the Cr.P.C. for grant of anticipatory bail in FIR No.66 dated 19.8.2021 under Section 420 of the IPC registered at Police Station Jhander District Amritsar.

Learned counsel for the petitioner, *Inter alia*, contends that present case has been lodged falsely against the petitioner. Learned counsel vehemently argues that loan of Ajaib Singh has already been cleared. The petitioner has nothing to do with the offence. Nothing is to be recovered from the petitioner and as such no custodial interrogation is required.

On the contrary, learned counsel for the State submits that the allegations in the complaint filed by complainant- Inderpal Singh against the petitioner are that the petitioner assured the complainant that he will procure loan for him for purchase of tipper and received the documents i.e. Aadhar Card, PAN Card, ITR and blank papers from him, but he did not procure any loan for him, but later the complainant came to know that the

petitioner has misused his documents and signatures and made him guarantor in the loan obtained by Ajaib Sing and in this way, the petitioner cheated the complainant and committed forgery. Learned counsel also submits that the investigation is at initial stage and recovery is yet to be effected from the petitioner and as such his custodial interrogation is necessary.

Having heard learned counsel for the parties, I am of the view that there are specific allegations of cheating and forgery against the petitioner. The petitioner is alleged to have misused the documents and signatures of the complainant and without his consent, the petitioner made the complainant guarantor in the loan obtained by Ajaib Singh. The allegations against the petitioner are serious in nature. Moreover, investigation is still going on and, therefore, custodial interrogation of the petitioner is necessary for finding out the modus operandi of commission of offence. It is settled proposition of law that power exercisable under Section 438 of the Cr.P.C. is somewhat extraordinary in character and it is to be exercised in exceptional cases. This view of mine finds support from the judgment of Hon'ble Supreme Court in **Madhya Pradesh Vs. Pradeep Sharma, (2014) 2 SCC 171.**

In view of the discussion made above, the present petition being devoid of any merit is dismissed. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

(ASHOK KUMAR VERMA)
JUDGE

12.1.2023

MFK

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No