

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

**COCP-412-2022 (O&M)
Reserved on: 17.07.2023
Pronounced on: 19.07.2023**

Vinod Hastir

...Petitioner

Versus

Balkar Singh and others

...Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Prince Singh, Advocate for
Mr. Gaurav Dutta, Advocate
for the petitioner.

Mr. Ayush Sarna, AAG, Punjab.

Mr. Vivek K. Thakur, Advocate
for respondents No.1 & 2.

ARVIND SINGH SANGWAN, J.

The petitioner alleges willful disobedience of the order dated 18.10.2019 passed in CRM-M-9545-2019, vide which the petitioner was granted the concession of anticipatory bail by this Court, while making the interim order dated 01.03.2019 absolute, in FIR No.16 dated 23.01.2019 under Sections 406, 420, 120-B IPC, registered at Police Station Navi Baradari, Jalandhar, District Jalandhar.

Learned counsel for the petitioner submits that after passing of

the order dated 18.10.2019, during the course of investigation, police added offences under Sections 465, 467, 468, 471 IPC, vide DDR No.43 dated 21.01.2020. It is further submitted that an application for cancellation of bail was filed by complainant-respondent No.6 Om Parkash, however, the same was dismissed vide order dated 13.02.2020. It is also submitted that later on, the police officials i.e. respondents No.1 to 4 arrested the petitioner and produced him before the Illaqa Magistrate on 01.02.2021 and sought three days police remand, which was declined, but the petitioner was sent to judicial custody.

Learned counsel has submitted that arrest of the petitioner is also in violation of judgment dated 01.07.2019 passed in **Crl. Appeal Nos.816/817 of 2019 arising out of SLP (Crl.) Nos.10051-10052 of 2018 (Pradeep Ram Vs. The State of Jharkhand and another)**. It is further submitted that for arresting the petitioner, the respondents have violated the order passed by this Court.

Separate replies have been filed by the respondents. In the reply filed by respondent No.1, it is stated that he retired prior to arrest of the petitioner. In the reply filed by respondent No.2, it is stated that his only role is that during the investigation, he had signed a memo regarding ascertaining of the genuineness of the documents produced by the petitioner and has no role in the arrest.

In the affidavit filed by respondent No.3 Inspector Ravinder Kumar, who was SHO of Police Station Navi Baradari, District Jalandhar at

the relevant time, it is stated that after verification of facts, aforesaid FIR was registered and during the investigation, the petitioner has produced certain forged documents. When the petitioner was directed to produce the original of the agreement to sell or the power of attorney, he could not produce the same, therefore, during the investigation, Sections 465, 467, 468, 471 IPC were added. It is further stated that subsequent to adding of these Sections, the petitioner again apply for anticipatory bail before the Court of Additional Sessions Judge, Jalandhar, which was dismissed as withdrawn on 22.01.2020. It is also stated that again the petitioner approached this Court by way of filing CRM-12226-2020 and CRM-18802-2020 in CRM-M-9545-2019. A reference is made to the order dated 25.01.2021, vide which the said applications for grant of pre-arrest bail, after adding of new Sections, were dismissed as withdrawn and were never pressed. It is further stated that in order to conduct the effective investigation with regard to documents produced by the petitioner, originals of which were never produced, despite giving opportunity, for conducting further investigation, the petitioner was arrested and thereafter, he was granted regular bail by the trial Court.

Learned State counsel, on the basis of affidavits, submits that in fact, proper procedure was followed. It is further stated that after second anticipatory bail application filed by the petitioner, after adding of new Sections, was dismissed by the Court of Additional Sessions Judge, Jalandhar as well as miscellaneous applications filed in the main petition i.e. CRM-M-9545-2019 were dismissed as withdrawn, for completing the

investigation, for which custodial interrogation was required to recover the original documents, the petitioner was arrested and his three days police remand was prayed for, which was declined by the Illaqa Magistrate.

After hearing learned counsel for the parties and going through the record, it is apparent that the petitioner was granted the concession of anticipatory bail and he joined the investigation and the same was confirmed on 18.10.2019. Later on, Sections 465, 467, 468, 471 IPC were added on the allegations of producing some fake documents and after the petitioner's second bail application filed before the Court of Additional Sessions Judge was dismissed as withdrawn as well as before this Court, the police arrested the petitioner in order to complete the investigation.

Though in terms of judgment of the Hon'ble Supreme Court in **Pradeep Ram's** case (supra), permission of the Court, which has granted bail, was not sought by the respondents, however, considering the fact that the petitioner himself has initially filed CRM-12226-2020 and CRM-18802-2020 in CRM-M-9545-2019 for grant of bail, which were dismissed as withdrawn on 25.01.2021 and even subsequently, the petitioner filed second petition i.e. CRM-M-5437-2021 for granted for anticipatory bail and the same was rendered as infructuous on 05.02.2021, in view of the statement that the petitioner stands arrested on 30.01.2021 and was granted the concession of bail vide order dated 04.02.2021, this Court find no willful disobedience of the order.

In view of the above, it cannot be said that the respondents have

intentionally or willfully disobeyed the order passed by this Court and even second bail application was dismissed, in order to complete the investigation, the petitioner was arrested and was granted bail.

Accordingly, the present petition is dismissed.

19.07.2023
vishnu

[ARVIND SINGH SANGWAN]
JUDGE

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