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

**CRM-M-15297-2023 (O&M)
Date of decision : 26.07.2023**

Ravinder Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Jatinder Singh Gill, Advocate,
for the petitioner.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.007 dated 10.01.2023, under Sections 200, 419, 420, 466, 468, 471, 474 & 120-B of the Indian Penal Code, 1860 (for short, '*the IPC*') registered at Police Station Civil Lines Amritsar.

2. It transpires that above FIR was registered on the basis of complaint made by learned Judicial Magistrate First Class, Amritsar to the effect that petitioner had submitted fake surety for obtaining bail in complaint No.NACT 2678 of 2020 titled as "Harpreet Singh Vs. Ravinder Shah Singh" filed under Section 138 of the Negotiable Instruments Act.

3. The Coordinate Bench, on 25.04.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“1. Petitioner (Ravinder Singh) has filed the present petition under Section 438 of the Code of Criminal Procedure seeking grant of pre-arrest bail in case FIR No.7 dated 10.01.2023, under Sections 120-B, 200, 419, 420, 466, 468, 471 and 474 of the Indian Penal Code, registered at Police Station Civil Lines Amritsar, District Amritsar.

*2. Succinctly, facts of the case are that a complaint bearing No. NACT 2678 of 2020 titled as “**Harpreet Singh Vs. Ravinder Shah Singh**” was filed against the petitioner under Section 138 of the Negotiable Instruments Act, wherein he was released on bail vide order dated 30.03.2022 passed by the Court of Judicial Magistrate Ist Class, Amritsar, subject to his furnishing bail bond in the sum of Rs.35,000/- along with one surety in like amount. In pursuance of the said order, the petitioner produced Baljinder Singh s/o Balvir Singh, as a surety, who furnished his affidavit in the Court stating that he is the owner of the land measuring 4650 Varg Gaj, as per the Jamabandi for the year 2015-16, situated at Village Akalgarh, Tehsil and District Ludhiana and he also stated in the affidavit that he has never stood surety against the said property. Thereafter, on 08.08.2022, complainant filed an application regarding genuineness of the said bail/surety bonds furnished by the petitioner. Thereupon, report was called from the Tehsildar, Ludhiana and as per report received vide Letter No.2024 dated 07.12.2022, it was found that documents in question, on the basis of which the petitioner was granted bail, were forged and fabricated. Hence, FIR No.7 dated 10.01.2023 was registered.*

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the aforesaid FIR. It is submitted that since the petitioner is a resident of Delhi, he does not have any connection in the State of

Punjab, therefore, the earlier counsel representing him in the trial Court at Ludhiana, arranged surety (Baljinder Singh) for him, who furnished bail bonds and surety bonds for the petitioner in the trial Court in terms of order dated 30.03.2022 (Annexure P-2). It is further submitted that Baljinder Singh, who stood as surety for the petitioner, was identified by Madan Lal Numberdar. It is stated that the petitioner was under the bona fide impression that surety (Baljinder Singh) is genuine, however, when the petitioner was released on bail, the complainant threatened the petitioner that the aforesaid surety, which has been furnished by the petitioner in the trial Court, is defective and some incorrect documents have been attached by the said surety. Thereafter, the petitioner tried to contact his earlier counsel, however, he did not answer his calls and the petitioner was also unaware about the contact information of the surety Baljinder Singh. It is contended that thereafter, the petitioner immediately filed an application for withdrawing his previous surety and furnishing the new one, which was allowed by the Court vide order dated 29.08.2022 (Annexure P-3) and his previous bail/surety bonds were discharged, by observing as under:-

“ - x - x -

Heard. Record perused. In view of the contents made in the application it is observed that the accused has come to the court with bona fide intention and clean hands. Accused has brought to the notice of the court about the conduct of the surety towards the accused. The offence is bailable and in the interest of justice, equity and fair play the present application in hand is allowed subject to furnishing of cash surety of Rs.10,000/- and previous surety bonds and bail bonds stand discharged. Ahlmad is directed to do the needful as per rules.”

4. *It is submitted that on the other hand, the Court of Judicial Magistrate Ist Class had called for the report from the Tehsildar, Ludhiana, in the application moved by the complainant regarding genuineness of the previous bail/surety bonds furnished by the petitioner and in the said report, the documents attached by the surety were found to be fake, whereupon the trial Court cancelled the bail of petitioner and the personal bond and cash surety furnished by him were forfeited and a direction was issued to the concerned Station House Officer to register an FIR against the petitioner and co-accused, vide order dated 22.12.2022 (Annexure P-4). Resultantly, the present FIR was got registered.*

5. *Learned counsel for the petitioner states that it is the surety (Baljinder Singh), who submitted fake documents before the Court and the petitioner has no role to play in it. It is stated that the anticipatory bail application moved by the petitioner before the Court of Additional Sessions Judge, Amritsar, has wrongly been dismissed, vide order dated 14.03.2023 (Annexure P-5). Learned counsel submits that the petitioner is ready and willing to join the investigation as and when required by the Investigating Agency or as directed by this Court/trial Court.*

6. *Notice of motion.*

7. *At the asking of Court, Mr. Subhash Godara, Additional Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondent/State. He prays for an accommodation to seek instructions and file status report in the matter.*

8. *List on 19.07.2023.*

9. *Without commenting anything on the merits of the case, petitioner is directed to join the investigation as and when directed by the investigating agency. In the event of arrest of petitioner, he shall be released on ad interim bail*

to the satisfaction of the Investigating/Arresting Officer and the petitioner shall abide by the terms and conditions laid down under Section 438(2) of the Code of Criminal Procedure.”

4. Contends that in terms of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.
5. The above factual position is duly acknowledged by learned State Counsel, on instructions from the police official concerned and further stated that custodial interrogation of the petitioner is not required at this stage.
6. In view of above, interim order dated 25.04.2023, is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
7. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
8. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
9. Disposed off accordingly.

26.07.2023
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No