

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCRM-M-28208 of 2022(O&M)
Date of Decision: 21.03.2023

Ashwani Kumar @ Ashwani Kumar Saini

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Dheeraj Mahajan, Advocate
For the petitioner.

Mr. C.L. Panwar, Addl. AG Punjab.

Mr. Rampal Saini, Advocate
For the complainant.

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case having FIR No. 20 dated 26.04.2022, registered under Sections 420, 465, 467, 468, 471 and 120- IPC at Police Station Behrampur, District Gurdaspur.

Status report by way of affidavit of Mr. Aditya Warriar, Assistant Superintendent of Police, Dinanagar, filed on behalf of the State is taken on record.

As per the allegations recorded in FIR, petitioner forged one compromise deed as per which compromise was effected between the petitioner and complainant Lekh Raj and the deed was purported to be signed by the complainant and the petitioner and witnessed by Sham Singh and Sunita Kumari.

The counsel for the petitioner submits that the petitioner has joined the investigation with the police by virtue of order dated 06.07.2022

passed by the Co-ordinate Bench of this Court and the entire disputed documents are taken into its custody by the police.

The present petition is resisted by the counsel appearing on behalf of the complainant who submits that the petitioner connived with other persons and forged compromise deed.

The State counsel, on instructions from ASI Gurnam Singh, submits that the petitioner who has joined the investigation is not required for any further investigation or custodial interrogation by the police. The State counsel has not disputed the fact that the entire case is based on documents which are in possession of the investigating agency.

I have considered the submissions made by counsel for the parties.

It is a matter of evidence as to whether any compromise deed was fabricated by the petitioner. Admittedly, the petitioner has joined the investigation with the police and all the concerned documents are already in custody of the investigating agency and petitioner is not required for any further investigation by the police. In the given circumstances, no purpose is going to be served by subjecting the petitioner to custodial interrogation at this stage.

Thus, without commenting on the merits of the case present petition is allowed and order of interim bail dated 06.07.2022 is hereby made absolute, subject to the conditions as envisaged under Section 438(2) Cr.P.C.

21.03.2023

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**(KARAMJIT SINGH)
JUDGE**

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