

CRM-M-30279-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-30279-2022  
DATE OF DECISION:-02.06.2023

|                                 |                |
|---------------------------------|----------------|
| Pankaj Kumar Kansil and another | ...Petitioners |
| Vs.                             |                |
| Union Territory of Chandigarh   | ...Respondent  |

**CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. Randeep S. Rai, Sr. Advocate and  
Mr. Vinod Ghai, Sr. Advocate with  
Ms. Rubina Virmani, Advocate,  
Mr. Farhad Kohli, Advocate and  
Mr. Arnav Ghai, Advocate,  
for the petitioner.

Ms. Aditi Sharma, Advocate for  
Mr. C.S. Bakshi, APP, U.T., Chandigarh.

Mr. Puneet Bali, Sr. Advocate with  
Mr. P.S. Ahluwalia, Advocate,  
Mr. Vishavjeet S Beniwal, Advocate,  
Mr. Jai Veer Sandhu, Advocate and  
Ms. Bhagyashree Setia, Advocate,  
for the complainant.

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**HARKESH MANUJA, J. (Oral)**

1. Prayer in the present petition filed under Section 438 Cr.P.C., is for grant of anticipatory bail to the petitioners, in case FIR No.0071 dated 27.06.2022, under Sections 420, 467, 468, 471, 120-B IPC, registered at Police Station West Sector 11, District Chandigarh.
2. Vide order dated 18.07.2022 passed by a Coordinate Bench of this Court, the petitioners were granted interim protection, the relevant portion thereof is reproduced hereunder:-

*"I have heard the learned counsel for the parties.  
Admittedly, the alleged disputed signatures are  
yet to be sent for comparison to the forensic  
laboratory/expert. The said documents having been*

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*uploaded on the portal of the Ministry of Corporate Affairs, can no longer be tempered with at the instance of the petitioners. If at all, the said documents are found to have been forged by the petitioners, the law would take its own course, but in given facts and circumstances, the custodial interrogation of the petitioners is not required. Besides, no material has come on record to establish the criminal antecedents of the petitioners.*

*Adjourned to 01.11.2022.*

*Meanwhile, the petitioners are directed to join investigation and if they are sought to be arrested, they shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer, subject to the conditions as envisaged in Section 438 (2) Cr.P.C. It is also made clear that the petitioners shall surrender their passports before the Investigating Officer and shall not leave the country without prior permission of this Court.*

*However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police.”*

3. In pursuance thereof, the petitioners have joined the investigation and even as per the statement of learned counsel representing U.T., Chandigarh, who on instructions from SI Jaskaran Singh, Police Station Sector 11, Chandigarh submits that the custodial interrogation of the petitioners is not required.

4. Moreover, petitioners already having submitted all the three disputed documents in original to the investigating agency, besides having provided their specimen signatures, which though sent to the Central Forensic Science Laboratory, Chandigarh, repeatedly did not fetch any conclusive report regarding any forgery, so far the facts does not call for their custodial interrogation even.

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5. Above all, the dispute primarily being based on documents and the same having been already provided to the Investigating Agency, the present petition is allowed. Order dated 18.07.2022 passed by this Court, is hereby made absolute, particularly when the petitioners have neither misused their concession; nor any such likelihood or apprehension has been expressed either by the investigating agency or even by the complaint.

02.06.2023  
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(HARKESH MANUJA)  
JUDGE

whether speaking/reasoned: Yes/No  
whether reportable: Yes/No