

212 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:130601  
CRM-M-30457-2023  
Date of Decision: October 09, 2023

Saddam Hussain

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Nirmal Singh, Advocate for the petitioner.

Mr. Randhir Singh, Addl. A.G., Haryana.

DEEPAK GUPTA, J.(Oral)

On 19.07.2023, following order was passed by this Court:-

*“Prayer in this petition under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No.43, dated 22.01.2022, registered at Police Station Sector 17, HUDA, Jagadhari, Yamuna Nagar, District Yamuna Nagar, under Sections 420, 467, 468, 471 and 120-B of IPC.*

*Neha and Hemant allegedly got married and filed protection petition before learned District Judge, Yamuna Nagar (Annexure P-2) by producing a Marriage Certificate. It is alleged that Marriage Certificate has been found to be a forged document as it was found that Shree Bhagwan Parshuram Mandir Kapal Mochan, Bilaspur, which purportedly had issued a certificate, had not in fact issued the said certificate.*

*It is contended by learned counsel for the petitioner that petitioner is an Advocate, who filed the protection petition on behalf of Neha and Hemant, on the basis of the documents produced by them and so petitioner could not know that the documents relied upon by the parties are forged. It is also contended that it is a matter of investigation that as to whether the Marriage Certificate is genuine or forged.*

*Notice of motion.*

*Mr. Randhir Singh, Addl. A.G., Haryana accepts notice on behalf of the respondent-State. A copy of paper book be supplied to him during the course of day.*

*Adjourned to 09.10.2023 for filing status report.*

*In the meantime, petitioner is directed to join investigation and co-operate in the same. He will not leave the country without prior permission of the Court nor shall make any attempt to contact the complainant of the case or any witness associated with the case. In the event of the arrest of the petitioner, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.*

Status report by way of affidavit of Shri Abhilaksh Joshi, Deputy Superintendent of Police, Jagadhri (Yamuna Nagar) on behalf of respondent-State has been filed, as per which petitioner is the main accused, who prepared false, forged and fabricated marriage certificate for an amount of ₹80,000/- from Hemant and Neha and presented that document in the Court of learned District and Sessions Judge, Yamuna Nagar. Still further, it is submitted that though the petitioner has joined the investigation on 07.08.2023, but refused to sign the disclosure statement.

Learned counsel for the petitioner submits that the petitioner has joined the investigation thrice and that the Investigating Officer wants the petitioner to sign a document as per his own wish on the statement, which is not owned by the petitioner.

Whatever may be the case, necessary inference as per law can be drawn against the petitioner, in case he has not signed the disclosure statement as is alleged by the prosecution.

Considering the fact that the petitioner has already joined the investigation and the case is dependant upon the documentary

evidence, no purpose shall be served by arresting the petitioner, therefore, order dated 19.07.2023, whereby the petitioner was granted interim anticipatory bail, is hereby made absolute. However, he shall continue to join investigation, if and so required by the Investigating Officer.

Disposed of.

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|----------------------------|----------------|
| October 09, 2023           | (DEEPAK GUPTA) |
| sarita                     | JUDGE          |
| Whether reasoned/speaking: | Yes/No         |
| Whether reportable:        | Yes/No         |