

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

103

CRM-M-44825-2023 (O&M)
Date of decision: 13.09.2023

Pal Singh Bhatti

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Tejeshwar Singh, Advocate for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

1. Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case FIR No.43 dated 08.03.2022, registered under Sections 419, 420, 465, 467, 471 IPC, at Police Station City Hoshiarpur, District Hoshiarpur.
2. Learned counsel for the petitioner submits that the petitioner is a 78 years old person and suffering from various serious ailments; that a complaint under Section 138 of the Negotiable Instruments Act, was filed against the petitioner, wherein the petitioner was granted anticipatory bail on 29.07.2021; that in the said complaint, the petitioner furnished bail and surety bonds, but he could not arrange the surety himself; that it was the co-accused who after receiving an amount of Rs.15,000/- arranged surety for the petitioner, which was later on found to be fake and the present FIR was registered and that on 15.03.2023, the petitioner has been discharged and the complaint was dismissed as withdrawn.
3. I have heard the learned counsel for the petitioner and have also gone through the paper-book.

4. It is a case, where the FIR was got registered by the learned Judicial Magistrate 1st Class, Hoshiarpur and while dismissing the anticipatory bail application of the petitioner, the learned Additional Sessions Judge, Hoshiarpur, vide order dated 10.08.2023 has observed as under:-

“As per prosecution story, a fraud has been played upon the court by the accused in conspiracy with his two co-accused who stood as surety impersonating Ajit Singh and other being Namberdar Joginder Singh. The present case was registered against the applicant-accused on the complaint moved by the court of Sh. Simrandeep Singh Sohi, learned Judicial Magistrate 1st Class, Hoshiarpur. There are serious allegations against the accused. Thus, it is clear from the record that the applicant-accused has committed fraud with the court while furnishing fake surety bonds. The co-accused are yet to be arrested. The role and involvement of the applicant-accused in the crime is yet to be ascertained during investigation. The custodial interrogation of the applicant-accused is very much necessary in this case. As far as contentions raised by learned counsel for the applicant-accused, those are matter of evidence. So, applicant-accused is not entitled for discretionary relief of anticipatory bail and same is hereby dismissed. Police record be returned whereas bail application file be consigned to the record room.”.

5. In the present case, the petitioner in connivance with other accused persons have played fraud with the Court and thus considering the seriousness of the offence, the custodial interrogation of the petitioner is must. Hence, the petitioner does not deserve the concession of anticipatory bail.

In view of the above, the present petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

13.09.2023
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No