

103 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-418-2024 (O&M)
Date of decision : 18.01.2024

GULSHANPetitioner

Versus

STATE OF HARYANA ...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Sanjay Verma, Advocate for
Mr. Pravesh, Advocate for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

Mr. V.P. Sangwan, Advocate for the complainant.

PANKAJ JAIN, J. (ORAL)

Apprehending his arrest in FIR No.789 dated 26.12.2023, registered for offences punishable under Sections 420, 467, 468, 471/120-B of the Indian Penal Code, 1860 at Police Station Sadar Bhiwani, District Bhiwani, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

2. As per the contents of the FIR, it has been alleged as under :

“xxx I am Ashok son Shri Ramchandra resident of village Mithal Tehsil and District Bhiwani, the birth certificate of my daughter Payal Siwach was lost somewhere at home which was not found, I had Gulshan Panchal boxing coach at home above, which on hearing the mention of missing the birth certificate of my girl Payal Siwach, the aforesaid Gulshan Panchal said Don't take tension, I will get your daughter's birth certificate out soon. Jo

Gulshan Panchal charged Rs. 15000/- for getting the birth certificate out of me. I did not know how and from where the birth certificate came out again. I believed this and gave money to the said coach. After some time Gulshan Panchal brought me a birth certificate registration number 2025 dated 18- 05-2018 with the signature of Registrar Kaithal, I said that the missing birth certificate of my girl was issued from Bhiwani office. Why did you get this Kaithal built? The aforementioned Gulshan Panchal told that nowadays everything is online, you can get it from anywhere. I got suspicious of the words of Gulshan Panchal and I gave a petition on 25-03-2022 in the office of Nagar Parishad Kaithal, on which the receipt number of Nagar Parishad Office Kaithal is 1407 dated 25-03-2022 and checked the record of the birth certificate of the above girl then on the same request it was given in writing by the Registrar Nagar Parishad Office Kaithal that in the year 2007 Registrar No. 2025 dated 10-06-2007 your girl There is no birth certificate. This birth certificate is fake. On which I talked to Gulshan Panchal above coach regarding fake birth certificate, he told that if the birth certificate is found to be false, then I will return 15000/- taken by you, whose recording of the conversation is available in my phone. It is that in this way the aforesaid Gulshan Panchal has manipulated me and made a false certificate of Rs. 15000/- which has been done to me by the aforesaid Gulshan Panchal has committed fraud and fraud and Gulshan Panchal has wrongly cheated me by preparing the birth certificate and false signature of the Registrar Birth Certificate Nagar Parishad Kaithal. It is that I had filed a petition in this regard on 01-04-2022 before the Superintendent of Police, Bhiwani, whose Dispatch Diary No. is 1278/PG Bhiwani, but no action has been taken on this request of mine till date. It is that for the proceedings of the above case, I received a call from mobile no. 0-9729411522 on 08-09-2022, which said that I am speaking from Vijay ASI City Police Station Kaithal, you had given a complaint against Gulshan Panchal Boxing Coach, that complaint has come here in Kaithal City Police Station, you

should come to City Police Station Kaithal on 11-09-2022 at 11:00 am, And I am also calling accused Gulshan Panchal, then I said okay I will come to City Police Station Kaithal on 11-09-2022 at 11:00 am, when Vijay ASI got a call again on 09-09-2022 at 1 PM and said what is the matter. Then I told the whole thing, Vijay ASI said that I am getting calls from very high people for Gulshan's recommendation. There is a lot of pressure on me, so you compromise, when I refused to compromise them, then they also got a call on 10-09-2022 said sit tomorrow When I reached City Police Station Kaithal at 11:00 am on 11-09-2022, at about 12:15 pm, Vijay ASI called me to him and said Gulshan has also come. You talk to both when I refused to talk, Vijay ASI threatened that I will sue you, otherwise compromise, said that there is pressure from high people on me, when I refused, Vijay ASI threatened me and said that you should write your statement and which is your voice recording with accused Gulshan Panchal. After getting that recording filled in the pen drive, then I got my statements written and got the recording filled in the pen drive and then Vijay ASI told me that this crime has not happened here and go do something, you will not be able to do anything wrong to Gulshan Panchal, as long as I am here. Then on 14-09-2022 also Vijay ASI got many calls from me, then Vijay ASI and Gulshan Panchal are pressurizing me for agreement and Vijay ASI is making me visit Kaithal again and again, which is far away from Kaithal Bhiwani and I am unable to go to Kaithal again and again, ASI Vijay who is helping Gulshan Panchal wants to save him in this case. Therefore, I request you that the aforesaid Gulshan Panchal and Vijay ASI who instead of taking action against the accused are threatening to compromise me and to file a false case against me and all the other culprits who have taken my 15000/-fraudulently by getting the strictest legal action against all the culprits involved in this conspiracy by any higher officer of Sadar Police Station, Bhiwani or Bhiwani. Respectfully order to be returned, it will be very kind of you. Thank you. Date-03-10-2022 SD- ASHOK

APPLICANT ASHOK S/O SHRI RAMCHANDRA R/O VILLAGE MITHAL TEHSIL & DISTRICT BHIWANI, MO-9068191911 AJ POLICE STATION - COMPLAINT NUMBER SP OFFICE BHIWANI DAIRY NO-1104 PF DATED 15.11.2022 AND SUBSEQUENT INVESTIGATION WAS CARRIED OUT BY SUPERINTENDENT OF POLICE HPOST MR. RAMESH KUMAR H.P.S. DURING WHICH INVESTIGATION CAME TO LIGHT THAT BOTH COMPLAINANT ASHOK AND UTWADI GULSHAN HAVE BEEN EMPLOYED IN HARYANA BOXING ASSOCIATION WHO WERE HOLDING THE POST OF CHAIRMAN OF UTTARBADI GULSHAN RING OFFICIAL COMMISSION AND ASHOK SECRETARY BY MUTUAL CONSENT BY BOTH OF THEM. Boxing has been done by making him young age. According to the records obtained during the investigation, it was found that the birth certificate of Payal Siwach, daughter of the complainant, which was obtained in respect of Registrar Birth and Death Municipality Kaithal, according to which the recorded birth certificate is not related to Registration No. 2025 in the year 2007 According to the records, the birth certificate of Payal Siwach, daughter of complainant Ashok has not been issued by Kaithal Municipality, which is the birth certificate of the girl of the complainant which has been issued in the Kaithal office, that birth certificate was prepared fake and similarly both the complainant and the respondent have reduced the age of Bo by making fake birth certificates by each other. Allegations of boxing were made which require thorough investigation by registering charges. It is therefore recommended to file an indictment on the complaint the report is transmitted to the service. SD- xxx”

3. The precise allegation against the petitioner is that he forged birth certificate for a sum of Rs.15,000/-. Further transcript w.r.t. conversation between the petitioner and Ashok the complainant has also

been placed on record to corroborate the same.

4. I have heard counsel for the parties and have gone through records of the case.

5. As per settled law laid down by Apex Court in **Gurbaksh Singh Sibbia vs. State of Punjab, 1980 (2) SCC 565**, reiterated in **Sushila Aggarwal and others Vs. State (NCT of Delhi) and another, 2020 (5) SCC 1** the Court while considering his prayer for pre-arrest bail has to consider as to whether the accusation appears to be actuated by mala fides, nature of seriousness of the proposed charges, the role attributed to the applicant and the probabilities of securing presence of the applicant during the course of trial and as to whether there is any apprehension that the applicant will tamper with the witnesses or evidence.

6. It is the aforesaid considerations which need to be balanced by the Courts while considering grant of pre-arrest bail.

7. When present case is viewed from the prism of afore-stated considerations, this Court finds that there is nothing on record to show that the allegations levelled against the petitioners are motivated.

8. Keeping in view the seriousness of the allegations levelled against the petitioner, the mode and manner in which the documents which attract 'presumption of truth' are being forged and fabricated for petty amount of Rs.15,000/- and the effect that such acts have on whole of the system, this Court does not find it to be a case for grant of pre-arrest bail.

9. Accordingly, the petition is dismissed.

10. Needless to say nothing observed hereinabove shall be construed as an expression on the merits of the case.

January 18, 2024		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No