

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-3995-2020 (O&M)
Date of decision : 18.01.2024**

Harwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Damanjit Singh Sandhu, Advocate for the petitioner.

Mr. M.S.Tiwana, AAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.1 dated 12.02.2016, under Sections 419, 420, 465, 474 & 120-B of the Indian Penal Code, 1860, registered at Police Station, NRI, District Kapurhtala.

(2) Above FIR was registered on the basis of statement made by complainant-Manjit Kaur with the allegations that petitioner got registered the marriage certificate dated 21.05.2010 by an act of fraud and impersonation as at that time, his son-Davinder Singh as well as daughter-in-law Simranjit Kaur (daughter of complainant) were abroad.

(3) The Coordinate Bench, on 10.10.2023, granted interim bail to petitioner and the order passed in the main petition reads as under:-

“Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No.1 dated 12.02.2016, under Sections 419, 420, 465, 474 and 120-B IPC, registered at Police Station NRI, District Kapurthala.

Learned counsel for the petitioner has argued that the present FIR arises out of a matrimonial discord between the son and the estranged daughter in-law of petitioner. The complainant is the mother of petitioner’s daughter in-law. The petitioner was never served and vide order dated 06.08.2019 he was declared as proclaimed offender. However, petitioner successfully challenged the aforesaid order by way of CRM-M-3989-2020, which was quashed vide order dated 11.01.2023 (Annexure P-8). It is further submitted that the present FIR relates to an incident of 2010 but was registered much thereafter in the year 2016 when the petitioner was in Canada being NRI. The petitioner is 63 years of age and is ready to join proceedings and prays that reasonable time be granted for making necessary arrangements to travel back to India. It is further submitted that co-accused Sukhwinder Singh and Kulwinder Singh have already been granted the concession of anticipatory bail.

Upon notice, short reply by way of affidavit dated 15.05.2023 has been filed on behalf of respondent-State. It is submitted that the present FIR was registered on the complaint dated 26.08.2014 made by Manjit Kaur, mother of his daughter-in law. The allegations against the petitioner are is that he got issued a marriage certificate in the absence of the couple. It is also submitted that entire case is based on documentary evidence, which are already on record. Nothing is to be recovered from the petitioner. It is further submitted that the alleged certificate was more in the benefit of daughter of the complainant as per report dated 15.04.2015 of DSP, NRI, Jalandhar.

Learned State counsel has submitted on the same very lines of the reply filed in this case. However, he has not been able to dispute that the order dated 06.08.2019 whereby the petitioner was declared as proclaimed offender has been quashed by this Court vide order dated 11.01.2023 (Annexure P-8).

List on 13.12.2023.

In the meanwhile, petitioner shall join the investigation on or before 22.11.2023 and would associate as and when called thereafter. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bond and surety to the satisfaction of Arresting/Investigating Officer. The petitioner shall abide by the conditions specified in Section 438(2) Cr.P.C.”

- (4) Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.
- (5) Learned State Counsel, on instructions from S.I. Shingara, acknowledged that petitioner joined investigation, but opposed the prayer for pre-arrest bail.
- (6) Concededly, petitioner has already joined investigation and *prima facie*, it seems to be a matrimonial dispute between the son of petitioner i.e. Davinder Singh and daughter of the complainant, namely, Simranjit Kaur, who at that time were residing in Canada.
- (7) In view of above, interim order dated 10.10.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (8) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

- (9) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
- (10) Disposed off accordingly.
- (11) Pending application(s), if any, shall also stand disposed off.

18th January, 2024
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes