

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

CRM-M-8017-2024

Date of Decision : 11.03.2024

JANGIR SINGH AND ANOTHER

.....Petitioners

VERSUS**STATE OF PUNJAB**

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr.Navjot Narang, Advocate for
Mr. Rajat Dogra, Advocate,
for the petitioners.

Mr. Akshay Kumar, AAG, Punjab.

Mr. Judgepreet Singh Warring, Advocate,
for the complainant.

KULDEEP TIWARI. J.(Oral)

1. On 15.02.2024, the following order was passed by this

Court:-

“1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioners seek the concession of anticipatory bail, in case FIR No.01 dated 15.01.2024, under Sections 420, 200, 120 of the IPC, registered at P.S. Sadar Jalalabad, District Fazilka.

2. The allegations against the petitioners, as narrated in the present FIR, are that they, despite being ineligible, were claiming old age pension, on the basis of forged documents.

3. The learned counsel for the petitioners submits that, even if the allegations are taken to be a gospel truth, yet the custodial interrogation of the petitioners is not required, as the case is based upon documentary evidence.

4. Notice of motion.

5. Mr. Pardeep Bajaj, D.A.G., Punjab, waives service of notice on behalf of the respondent-State.

6. List on 11.03.2024.

7. In the meanwhile, the petitioners are directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of their arrest, they shall be admitted to interim bail on their furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioners shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”

2. Learned State counsel, on instructions imparted to him by ASI Chander Sekhar, submits that though the petitioners have joined the investigation in pursuance to the aforesaid order, but they have not got recovered the money, which according to the allegations, petitioners have illegally obtained by submitting false documents regarding their age.

3. At this stage, Mr. Judgepreet Singh Warring, Advocate, has caused appearance on behalf of the complainant, through a validly executed power of attorney in his favour, which is taken on record, and he argued vociferously and opposed the grant of pre-arrest bail to the petitioners.

4. Be that as it may be, this petition for grant of pre-arrest bail cannot be converted into a suit for recovery, and the veracity of the allegations are yet to be established. In case any loss has been caused to the public exchequer, the latter has all remedies to recover the same by filing appropriate suit.

5. Consequently, the present petition is allowed, and order dated 15.02.2024 is, hereby, made absolute, on the terms and conditions as envisaged under Section 438(2) of the Cr.P.C.

March 11, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No