

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

**CRM-M-24329-2024
DECIDED ON: 15.05.2024**

HARCHARAN SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

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

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in FIR No.147, dated 02.06.2023, under Sections 420, 120-B IPC (Sections 465, 468 and 471 IPC added later on vide DDR No.15, dated 11.04.2024), registered at Police Station Model Town, District Hoshiarpur.

This Court after having heard learned counsel for the parties and perusing the earlier orders in the instant FIR i.e. orders dated 15.01.2024 & 16.04.2024 (Annexures P-11 and P-15 respectively in CRM-M-1966-2024) acknowledge that it granted liberty to the petitioner to move afresh before the trial Court for the subsequently added offences under Sections 465, 468, 471 IPC vide DDR No.15, dated 11.04.2024.

Though this Court restrains itself at this stage from making stringent observation against the investigating agency wherein conduct of certain police officials is doubtful looking at the manner in which the petitioner is being implicated. The reasons recorded in the order dated

03.05.2024 (Annexure P-16) passed by the Additional Sessions Judge, Hoshiarpur, *prima facie* has no basis as the allegations of fraud committed by the accused persons in connivance with each other to the tune of Rs.1,30,00,000/- has not been tested and it still went on to say that custodial interrogation is required.

It is also evident that the affidavits in question were furnished by the accused-petitioner before the concerned police officials are alleged to be forged and fabricated and it is on that account, Sections 465, 468 and 471 IPC have been added.

Mr. Rajiv Verma, DAG, Punjab submits that the signatures affixed on the affidavits were given by Harcharan Singh (father) and the same are allegedly have been found to be forged after getting it examined from Forensic Science Laboratory.

This Court is sanguine of the fact that contents of the affidavit are to the extent that the accused-petitioner has received the money from the complainant to the tune of Rs.1,30,00,000/- but these signatures have been disputed by the petitioner himself which were produced and used by the complainant only before the investigating agency.

On that account there are serious doubts in the story put forth by the State before this Court for the reason that as to how the petitioner got benefited out of the said affidavit who is otherwise admitting the receipt for the said money which was used by the complainant alone. The source of these affidavits has not been ascertained so far as to who has actually signed these affidavits and got attested from the notary at Chandigarh. It is only on the fact wherein the signatures have been got examined from FSL and on

that report, the petitioner has been fastened with subsequent liability only with the motive to keep them involved in the litigation for the non-bailable offence without understanding the spirit of order dated 16.04.2024 vide which this Court has granted the concession of anticipatory bail (Annexure P-15).

In the light of aforesaid observation, the present petition stands allowed.

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C.

However, in compliance to this order, the petitioner is not required to join the investigation until and unless he is called upon by the Investigating Agency except to furnish personal/surety bonds as directed hereinabove.

The petition in the aforesaid terms stands disposed off.

15.05.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No