

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CRM-M-30853-2023 (O&M)
Date of decision : 29.04.2024

Mandeep Singh

..... Petitioner

versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Lalit Pathak, Advocate
for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

Mr. S.S. Sahu, Advocate
for respondent No.2.

PANKAJ JAIN, J. (Oral)

1. Petitioner approached this Court by way of present petition filed under Section 438 of the Code seeking pre-arrest bail by relying upon Annexure P-2 to show that an amount of Rs.11 lakh has been paid back. Complainant appeared through his counsel and disputed the said agreement.

2. While issuing notice of motion on 19.06.2023 following order was passed:-

“Apprehending his arrest in FIR No.145 dated 19.05.2023, registered under Sections 406/420 IPC at Police Station City Ratia, Distt. Fatehabad petitioner seeks pre-arrest bail.

Learned counsel for the petitioner *inter alia* submits that the transaction between the parties was reduced in writing by way of agreement dated 10.09.2020 and after the complainant could not be

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sent to Canada, the amount of Rs.11.00 lakhs received by the petitioner was paid back and the said fact was also reduced into writing well signed by the complainant which has been placed on record as Annexure P-2.

Notice of motion.

On the asking of the Court, Mr. Pankaj Middha, Addl. A.G., Haryana appears and accepts notice on behalf of respondent No.1-State.

Ms. Shelja Sharma, Advocate has entered appearance on behalf of the complainant and prays for time to argue the matter.

Adjourned to 23.08.2023.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the arresting officer/Investigating Officer. As and when called, the petitioner shall join the investigation. He shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

3. Thereafter complainant appeared through his counsel and joined issue with respect to execution of Annexure P-2 claiming that the same was a forged document.

4. On 15.01.2024, following order was passed:-

“Learned counsel for the petitioner has produced original copy of Annexure P-2 (Agreement) which as per him contains the receipt with respect to Rs.11.00 lakhs having been paid to respondent No.2- complainant in cash.

Learned State counsel is directed to send the same to the forensic lab and submit report with respect to the signatures of Rajender Singh-respondent No.2 on page No.2, which are admitted

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by the complainant and those alleged to have been appended by Rajender Singh at the back of Page No.1 admitting receipt of Rs.11.00 lakhs. The document is handed over to learned State counsel in a sealed cover. Photocopy of the same is already on record as Annexure P-2.

Needless to say that in case the forensic lab thinks it fit, it may call the petitioner for further signatures, if required.

Adjourned to 04.03.2024.

Interim order to continue.”

5. Today, Mr. Bansal has produced report from FSL, Madhuban which concluded the issue and observed as under:-

“OPINION-2: Comparison of standard signatures generally reading as ‘Rajinder Singh’ marked S1 to S15, A1 to A13 with questioned signature reading as ‘Rajindr Sngh’ marked Q2 (bearing date 12.10.2022 is slow and drawn in its execution). In addition to this, differences are observed in the individual writing characteristic between standard and questioned signatures in the execution of character/(s), such as: Nature of movement in the formation of body part of character ‘R’ together with its shape; Nature of movement between body oval of character ‘a’ and its terminal part, nature of connecting stroke between character ‘a’ and subsequent character ‘j’, nature and relative size of the bottom loop of character ‘j’, bottom spacing of body part of character ‘n’, shape and direction of axis of the body oval of character ‘d’ and body eyelet formed in the terminal combination of characters representing ‘dr’ but appearing as character ‘r’; Shape and relative size of character ‘n’, nature of the bottom loop of character ‘g’, nature of retrace in the

body staff of character ‘h’ etc. etc.

Differences are also observed between standard and questioned signatures in the nature and class of other elements of writing, such as: Writing movement, Writing skill, Speed, Slant, Spacing, Alignment, Pressure pattern, Relative size and proportion of characters;

The aforesaid divergences are fundamental in nature and are beyond the range of natural variations and intended disguise and when considered collectively they lead to the opinion that **the person who wrote red enclosed standard signatures stamped and marked S1 to S15, A1 to A13 did not write the red enclosed questioned signature similarly stamped and marked Q2.”**

6. State counsel further clarifies that the issue was with respect to Q2 and the same was to be ascertained in light of Q1 which was the admitted subject. Counsel for the petitioner is not in a position to dispute the aforesaid facts.
7. Keeping in view the conduct of the petitioner and the mode and manner in which he has tried to abuse the process of law, present petition is dismissed with cost of Rs.50,000/- to be deposited with Punjab and Haryana High Court Bar Association Lawyer's Family Welfare Fund.
8. Ordered accordingly.
9. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

29.04.2024

DINESH KUMAR
2024.05.03 15:17
I attest to the accuracy and
integrity of this document

Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No