

CRM-M-33121-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33121-2024
Reserved on: 09.08.2024
Pronounced on: 30.08.2024

Sunil Kumar ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Parminder Singh, Advocate
For the petitioner.

Mr. Sukhdev Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
22	24.05.2024	Punjab State Crime District SAS Nagar	420, 465, 467, 468, 471 IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 CrPC, 1973, seeking anticipatory bail.
2. In paragraph 16 of the bail petition, the accused declares that he has no criminal antecedents.
3. Facts of the case are being taken from reply dated 31.07.2024, which reads as under:-

“4. That the aforesaid case FIR has been registered on the allegations that the Government of Punjab vide Notification No. 12/01/2017-SHG2/1806 dated 18.10.2018 had notified a Regularization Policy for regularization of unauthorized plots on the basis of agreement(s)/Power of Attorney, whereby, the cut-off date for agreement/Power of Attorney was kept as 19.03.2018. As per the said policy, the NOC can be obtained from the concerned Municipal Corporation. The Municipal Corporation, Bathinda, vide its Order No. 213 dated 09.12.2020 had given the powers to clear the NOCs to the Municipal Town Planner.

5. That during enquiry conducted by Vigilance Bureau, Punjab, on scrutiny of documents, it came to light that the petitioner/accused Sunil Kumar, who is a property dealer in Bathinda, had prepared forged documents pertaining to the year 2018, but during enquiry it was revealed that the documents prepared were forged on Stamp Papers purchased in the year 2021. On the basis of these forged documents, NOCs were

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applied regarding the properties with the Municipal Corporation, Bathinda. At the time of applying for the aforesaid NOCs, petitioner/accused had used mobile numbers, e-mail IDs of persons who were not the actual owners of the properties for which the NOCs were applied and received OTPs and e-mails fraudulently. The petitioner/accused Sunil Kumar had deposited fees for NOCs on the names of owners of the plots. However, during the enquiry conducted by Vigilance Bureau, it was revealed that the actual owners of the plots had never applied for the said NOCs neither they had signed the documents required for the same. It has also come to fore during enquiry that petitioner/accused had forged the signatures of the owners of the plots to obtain the said NOCs."

4. The petitioner's counsel argued that the plea of the petitioner is that plot holders themselves had moved application for NOC and supplied all the documents online with Municipal Corporation Bathinda and they had paid the requisite fee to the Department. Even as per FIR, the government had not suffered any financial loss and there is no evidence regarding any corruption and no government officials is involved. The petitioner is not a beneficiary in this case. He had no role to play in getting the NOCs. The applications for applying NOCs were moved directly by plot holders online. The stamp papers were also directly purchased by the Plot holders. The stamp vendor had issued the Stamp Paper after mentioning date, month and year on the back of Stamp Paper and he had entered the same in his register. A perusal of the FIR shows that there is lengthy process online for getting NOCs after a scrutiny by various Senior Officers of MC Bathinda.

5. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

6. The State opposes the bail.

7. The incidents pertain to the year 2018/2021. A perusal of the reply does not mention the steps taken to arrest the accused, and it shows that if the Police were really interested in arresting the accused, they had ample opportunities to do so.

8. Given the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

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9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. This order is subject to the petitioner’s complying with the following terms. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

12. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

13. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

14. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

30.08.2024
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Whether speaking/reasoned: Yes
Whether reportable: No.