



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M No.38230 of 2024
Date of decision: 13.09.2024

JASWINDER SINGH**.... Petitioner**

Versus

STATE OF PUNJAB**.... Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present : Mr. Japit Singh Johal, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. D.A.G., Punjab.

MANISHA BATRA, J. (oral)

1. Through the instant petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) the petitioner seeks anticipatory bail in case FIR No. 140 dated 11.06.2024 under Sections 420, 465, 468, 471, 120-B of IPC registered at Police Station Model Town, District Hoshiarpur.
2. Vide order dated 08.08.2024, passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 08.08.2024, passed by this Court, reads as under:

“Through the instant petition, prayer is made for grant of anticipatory bail to the petitioner in case arising out of FIR No. 140 dated 11.06.2024 under Sections 420, 465, 468, 471, 120-B of IPC registered at Police Station Model Town, District Hoshiarpur on the basis of written complaint received in the office of Chief Minister, Punjab and forwarded to the concerned Police Station allegedly sent by one-Ravinder, Press Reporter. As per allegations made in the complaint, the Civil Surgeon Hoshiarpur



and the other official workers, Civil Hospital, Hoshiarpur were involved in misusing National Rural Health Mission funds (NRHM for short). They had been preparing bogus and false bills during making purchases of articles for the official purpose. He alleged that Government funds were being criminally misappropriated by this officials and Civil Surgeon in connivance with each other. It was further alleged that present petitioner who is posted as a Statistical Assistant in the office has been tampering with the record of the birth and death registers maintained by the office by replacing several papers and by incorporating false entries by taking huge money. While further alleging that by using such money, the petitioner had built two houses, Farm House and some luxurious vehicles. He has prayed for taking action against the petitioner and others.

After registration of FIR, investigation have been initiated and are underway. Apprehending his arrest, the petitioner had moved an application for anticipatory bail which had been dismissed by Court of Addl. Sessions Judge, Hoshiarpur vide order dated 31.07.2024.

It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of false and vague allegations. Even the identity of the complainant has not been established. There is no mention in the FIR with regard to the specific acts of forgery or cheating allegedly committed by the present petitioner. The petitioner was only holding a Clerical post



in the Birth and Death branch of concerned office about seven years back. The provisions of offences of cheating or forgery or use of forged documents have not been attracted at all. His custodial interrogation is not required. He is ready to join the investigation. Therefore, he deserves to be given concession of bail.

Notice of motion.

Learned State counsel who has advance notice of the petition and on asking from ASI Hans Raj from the concerned Police Station has submitted that whereabouts of the complainant have not been known to the Investigating Agency so far as address given in the complaint is not complete. For filing status report, learned State counsel seeks an adjournment. Learned State counsel will also clarify as to whether the complainant has been joined into investigation or not and also what material has been collected against the present petitioner.

Adjourned to 13.09.2024.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.”



3. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation on 12.08.2024 and he is not required for custodial interrogation.
4. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 08.08.2024, granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

13.09.2024
Jyoti-IV

(MANISHA BATRA)
JUDGE

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