



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

CRM-M-39552-2024

Date of Decision : 12.11.2024

RAKESH KUMAR

.....Petitioner(s)

VERSUS

STATE OF HARYANA

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Simranjeet Singh Sarwara, Advocate,
for the petitioner(s).

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI, J.(Oral)

1. On 13.08.2024, this Court had passed the hereinafter
extracted order, upon the instant petition:-

“1. Through the instant petition, as instituted under Section 482 of the B.N.S.S., 2023, the petitioner seeks the concession of anticipatory bail, in case FIR No.167 dated 17.04.2024, under Sections 406, 420, 506 and 120-B of the IPC (Sections 467, 468, 471, 201, 216 of the IPC added subsequently), registered at P.S. Civil Lines, Kaithal, District Kaithal.

2. Succinctly stated, the allegation(s) against the petitioner is that, he made a false complaint against the complainant before the Superintendent of Police, Kaithal, and, in order to substantiate his complaint, a forged affidavit and receipt along with copy of cheque No.278541, which are alleged to be manipulated and forged, were enclosed therewith by the petitioner.

3. The learned counsel for the petitioner submits that, in fact, the present matter is purely civil in nature and is based upon documentary evidence, therefore, custodial interrogation of the petitioner is not required. He further submits that no monetary transaction occurred between the complainant and the petitioner.

4. Lastly, the learned counsel for the petitioner submits that the petitioner is ready to join the investigation and to cooperate with the investigating officer.

5. At this stage, Ms. Molly Tarunima Tagore, Advocate, records her appearance on behalf of the complainant, under a memorandum of appearance instituted before this Court today, and, as prayed for, she is permitted to file a validly executed Vakalatnama in her favour, within 15 days from today, before Registry of this Court.

6. The learned counsel for the complainant opposes the grant of anticipatory bail to the petitioner, on the ground that, he forged the documents (supra) to substantiate his false complaint against the complainant. Moreover, the original of those documents, which are in custody of the petitioner, are yet to be recovered.

7. Notice of motion for 18.10.2024.

8. Mr. Praveen Bhadu, Assistant A.G., Haryana, accepts notice on behalf of respondent-State of Haryana.

9. Be that as it may, since (i) the dispute is prima facie civil in nature; and (ii) the entire case is based upon documentary evidence; this Court deems it appropriate to grant the asked for relief to the petitioner.

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

2. On the next date of hearing, i.e. 22.10.2024, it was informed by the learned State counsel, that though the petitioner had joined investigation, but he had not fully co-operated with the investigating officer, as he had failed to get recovered two forged affidavits dated 28.11.2010 and 25.12.2011, which are essential for the completion of the investigation.

3. In view of the above statement, learned counsel for the petitioner, sought one more opportunity to join the petitioner into investigation, and he also assured that the petitioner shall fully co-operated with the investigating officer, and he will hand over all the requisite documents to him, which are essential for completion of the investigation.

4. Today, learned counsel for the petitioner further submits that the petitioner has rejoined investigation with the investigating officer concerned, and he has submitted with the him, a sworn in an affidavit dated 29.09.2024 to the effect that the original of two affidavits dated

28.11.2010 and 25.12.2011, has lost while shifting his house and he has only a photocopy of those affidavits and he has duly submitted those photocopies with the police.

5. He further submits, that in case the petitioner finds the original affidavits, he will not misuse the same, and he will hand over the same to the investigating officer concerned.

6. He also submits that now the disputed documents can be sent to the FSL to compare the signatures of the complainant, with the disputed signatures from the photocopies. Therefore, the custodial interrogation of the petitioner is not required.

7. Be that as it may be, considering the fact that the petitioner has joined investigation, and has fully co-operated with the investigating officer, and the fact that simply because in the absence of recovery of two affidavits (*supra*), the asked for relief cannot be denied to him. Therefore, the hereinabove extracted interim order dated 13.08.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

“(i) the petitioner(s) shall not commit an offence similar to the present offence;

(ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;

(iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

8. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

9. Needless to say that anything observed hereinabove shall not

be construed to be an opinion on the merits of the case.

November 12, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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