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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of Decision : November 21, 2024

FIROZ KHAN

-PETITIONER

V/S

STATE OF PUNJAB

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Krishan Singh Dadwal, Advocate
for the petitioner.

Mr. Pardeep Bajaj, D.A.G., Punjab.

KULDEEP TIWARI, J. (ORAL)

1. On 04.09.2024, 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.41 dated 29.06.2024, under Sections 406, 420, 465, 467, 468 and 471 of the IPC, registered at P.S. Naya Gaon, District S.A.S. Nagar.

2. Succinctly stated, the bedrock for registration of the present FIR is constituted by a complaint made by the Executive Officer, Municipal Council, Nayagaon, wherein, he alleged that certain NOCs have been forged by some unknown person by changing the offline/online NOCs. On the basis of this complaint, an inquiry was conducted and thereupon the name of the petitioner cropped up as the person, who forged the NOCs and submitted the same to the office concerned for obtaining electricity meters. In lieu of getting installed electricity meters by preparing fake NOCs, the petitioner is alleged to have received a total sum of Rs.6,40,000/- from different persons.

3. The learned counsel for the petitioner inter alia submits that,



neither the petitioner is involved in any illegal activities, nor he submitted any forged NOCs for the purpose of obtaining electricity connection(s) from PSPCL. He further submits that, neither the petitioner received any money from any person in lieu of getting installed electricity meter, nor he sold any plot/house to any person person, who uses the allegedly forged NOC, while taking electricity connection.

4. The learned counsel for the petitioner further submits that, although the petitioner is involved in four more cases, however, in the present case, the investigating agency is not seized of any cogent material/evidence, thus connecting the petitioner with the alleged crime.

5. List on 12.09.2024.

6. To be heard with CRM-M-34077-2024.

7. In the meantime, 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 482(2) of the B.N.S.S., 2023.

8. On the subsequent date of hearing, the learned State counsel is directed to file the reply, as called for by this Court, vide order dated 23.08.2024.”

2. In compliance of the directions embodied in the hereinabove extracted order, although the petitioner joined the investigation twice, however, the respondent-State came up with a plea that the petitioner did not cooperate with the investigating agency. To rebut this plea of the respondent-State, the learned counsel for the petitioner argued that, the investigating agency is not seized of any cogent inculpatory evidence against the petitioner, rather he has been made a scapegoat in the present case. To substantiate this plea, he argued that, at the behest of the S.P., who is at present posted in S.A.S. Nagar and is inimical towards the petitioner, the petitioner has been, apart from the present

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FIR, falsely implicated in four more cases.

3. Taking into account the arguments made by the learned counsel for the petitioner, this Court, vide order dated 14.10.2024, directed the S.S.P., S.A.S. Nagar to, after examining the matter, file his personal affidavit, disclosing therein the role of the petitioner and the incriminating material collected by the investigating agency against the petitioner.

4. In deference to the directions (supra), an affidavit became filed by Mr. Deepak Pareek, IPS, S.S.P., District S.A.S. Nagar on 01.11.2024. The disclosure made in the said affidavit is that, the petitioner received money in cash from various individuals, in lieu of obtaining them NOCs, which were subsequently utilized for installation of electricity meters.

5. In order to connect the petitioner with the alleged crime, it has been voiced in paragraph No.7 of the affidavit (supra) that, initially the petitioner arranged installation of electricity meter for one Sanjay Sharma @ Sanju, whereupon, people living in the latter's locality entrusted money to him, which he then passed to the petitioner. It has been further stated that, w.e.f. 23.05.2023 to 08.08.2023, money was transferred from bank account of Sanjay Kumar to the bank account of petitioner/petitioner's wife.

6. To rebut the submissions made in paragraph No.7 (supra), which according to the respondent-State connects the petitioner with the alleged crime, the petitioner's counsel submitted that, during investigation itself it surfaced that the fake NOCs were issued during the period 2021 to 2023, whereas, the bank transactions (supra) appertain only to the year 2023. Therefore, when there exists no bank transactions for the period 2021 and 2022, during which fake NOCs were also issued, between aforesaid Sanjay Sharma and petitioner/petitioner's wife, therefore, the bank

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transactions (supra) do not establish any link between the petitioner and the alleged crime. Moreover, the plea of respondent-State that money was paid in cash during the period 2021 and 2022 is also a bald plea, which is made just to fill up the lacuna.

7. Finally, the learned counsel for the petitioner argued that, aforesaid Sanjay Sharma, who is alleged to have acted as the conduit between the beneficiaries of the fake NOCs and the petitioner, has never been arrayed as an accused, rather the investigating agency is after the petitioner only, at the behest of the S.P. concerned.

8. This Court has heard the submissions made by the learned counsels for the parties.

9. Since the petitioner has already joined the investigation; the matter is still under investigation; entire case is based upon documentary evidence; therefore, the hereinabove reproduced interim order dated 04.09.2024 is hereby made **absolute**, subject to the hereinafter extracted conditions:-

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

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

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

10. This order should not be treated as “blanket” order. It will not be read granting petitioner 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.



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11. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

November 21, 2024
devinder

(KULDEEP TIWARI)
JUDGE

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