

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

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CRM-M-42414-2024

Date of Decision : August 30, 2024

RANDEEP SINGH AND ANR

.....Petitioners

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. M.K.Singla, Advocate
for the petitioners.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, prayer is made for grant of anticipatory bail to the petitioners in case FIR No.0177 dated 9.8.2024, under Sections 465, 468, 471, 120-B of IPC, registered at Police Station City Sangrur.
2. The allegations, as levelled against the present petitioners, are that the petitioners in connivance with each other, had forged and fabricated bills and in order to exaggerate the offence, got registered an FIR No. 10 dated 31.8.2023, under Sections 498-A, 406 PC at Police Station Women Sangrur, wherein the complainant has arraigned as an accused being husband of petitioner No.2.
3. During investigation in the FIR (supra), it transpired that no firm, namely, Bharat Enterprises, running gold business ever existed in the City of



Sangrur. Even the GST number printed on the bills stands cancelled, way back in the year 2019. Finally, after conducting enquiry, it was found that the forged and fabricated bills have been submitted with the Investigating Officer in the FIR (supra), in order to exaggerate the offence, which led the present complainant to lodge FIR (supra), against the present petitioners, who is infact his father-in-law and his legally wedded wife.

4. Learned counsel for the petitioners in the asking for the relief (supra) submits that infact the veracity of such bills, which have been deposited with the IO concerned, is yet to be evaluated by the learned trial Court concerned. He further submits that in the FIR, which has been registered by petitioner No.2, the investigation has already been completed and the final report has been submitted, which is now pending before the learned trial Court concerned. He also submits that the entire case is based upon documentary evidence, therefore, their custodial interrogation is not at all warranted and they are ready and willing to join the investigation.

5. At this stage, Mr. Harshit Jain, Advocate has caused appearance on behalf of the complainant and has filed duly executed *Vakalatnama* in his favour and submitted that infact it is infact an open and shut case. The GST number which is printed on the forged bills is found to be closed in the year 2019 and even the firm, which is shown to have been issued the bills of gold articles is dealing in hardware and they are no where dealing in gold articles. Finally, he submits that in the FIR, as registered against the complainant, a detailed enquiry was conducted and despite the petitioners being called number of occasions by the enquiry officer, they have opted not to join the enquiry.



6. Mr. Pardeep Bajaj, DAG, Punjab has adopted the submissions made by the learned counsel for the complainant.

7. This Court has considered the rival submissions made by the learned counsel for the parties concerned and has gone through the entire case file.

8. During the course of hearing, this Court has tried to evaluate whether the matter can be amicably settled, however, considering the adamant behaviour of the complainant as his only concern is to address the arguments on merits of the case, this Court is of the view that the matter cannot be settled at this stage. Further considering the allegations against the present petitioners and other circumstances that it is a case of counter blast to the case registered by petitioner No.2, against the complainant, as she was meted with cruelty on account of demand of dowry. Since the entire investigation is based upon documentary evidence and the custodial interrogation of the present petitioners is not required, therefore, this Court is of the opinion that the petitioners deserve to be released on anticipatory bail.

9. In view of the above, the instant petition is **allowed**. The petitioners are directed to join the investigation within 15 days from today and in the event of their arrest, the petitioners shall be released on interim bail subject to their furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioners shall, however, join the investigation as and when called for and shall also abide by the conditions specified under Section 482(2) of BNS. Till then the arrest of the petitioners shall remain stayed.

10. In case the petitioners are found creating any hinderance in joining the investigation, they are at liberty to move an application before the Magistrate concerned for joining the investigation and in case such an application is moved by the petitioners, the latter shall call upon the IO concerned and made the petitioners to join the investigation.
11. **Disposed** of accordingly.

August 30, 2024
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(KULDEEP TIWARI)
JUDGE

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