

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 43354 of 2024
Reserved on: 12.11.2024
Pronounced on: 29.11.2024

Virender Singh @ Virender Jangra ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Shubham Kaushik, Advocate,
for the petitioner(s).

Mr. Viney Phogat, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
459	02.08.2024	City Hansi, District Hisar	467, 471, 218, 384, 511 and 120B IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 17 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“2. That the brief facts of the case are that a written complaint bearing Sr. No. 1377-PU dated 13.07.2024 received in S. P. Office, Hansi from Treasury office, Hisar for taking action against Virender Jangra Advocate (Present Petitioner-accused) and Surender Kumar regarding stealing government documents, preparing false evidence by conspiring and tampering with it, blackmailing with the intention of extorting money and committing an offence under Official Secrets Act. These are the facts of the case that complainant Satish Kumar Siwach is working as District Treasury officer, Hisar and Sub Treasury Hansi comes under the jurisdiction of the complainant. From letter No. 46 dated 09.07.2024, complainant came to know that the present petitioner in connivance with co-accused have stolen the record from the Sub Treasury office, Hansi without authorization and later prepared a fake paper by making fake

signature of Rajpati and some other tampering in the photocopy of the stolen record and prepared false testimony with the intention of getting Surender Singh son of Manphool Singh (retired Asst. Superintendent) and the complainant punished. It is further submitted that present petitioner and co-accused have stolen the documents from the government office by threatening to implicate the complainant. On 05.07.2024 at night from 8:38 PM to 8:44 PM, complainant received seven continuous calls from an unknown mobile number 918168211789 which he could not attend. Thereafter, five whatsapp messages came from the same mobile number between 10:14 PM to 10:16 PM, out of which he could read only the three messages from the notification window which are (1) Ke Hall Pardhan (How are You) (2) Ofer (Officer), (3) 10 Lakh Rupay do warna (Give me Rs. 10 Lakhs otherwise), then the last three messages were deleted. Thereafter, when the complainant messaged reply and asked what were the messages and why were deleted, no response was done. Complainant suspected that the mobile number belongs to the present petitioner, co-accused or someone related to them and they have done to extort Rs.10 Lacs from him by threatening. Even before this, present petitioner and co-accused have been sending unknown persons to extort money from the complainant illegally. Present petitioner is by profession an Advocate and co-accused i.e. real brother of present petitioner remained posted in Sub Treasury Office, Hansi during the period from 01.01.2014 to 31.12.2023 on contract basis and he was relieved from the services w.e.f. 31.12.2023 as per the government policy, Due to which he is having a grudge against the treasurer and other employees of the department. During his tenure, he has stolen these documents by misusing his position and violated the confidentiality of the office alongwith his brother present petitioner Virender Jangra, Advocate, he conspired and prepared false and forged documents with the intention of blackmailing the complainant and used the forged documents to trap the complainant in a false case. A prayer was made for taking legal action against the accused persons. On the basis of said complaint, FIR under sections 467, 471, 218, 384, 511, 120-B IPC was registered.

4. 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.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

"3. That, the investigation of the present case was carried out by the Economic Offence Wing, Hansi before registration the FIR. During the course of the investigation of the case present petitioner and co-accused recorded their statement but in which they did not disclose the facts and misguide the investigating officer. During the investigation of the case, it has been found that present petitioner and his brother i.e co-accused also filed a complaint against the complainant and another and same complaint was filed by the present

petitioner and co-accused are false and frivolous basis only to extort the money from the complainant and another. The investigation was carried out by ASI Anaj Mandi Police Post and after that opinion was taken from the ADA, S P Office, Hansi and thereafter present FIR was registered against the present petitioner and co-accused."

7. Opposite allegations counter the allegations; even if found untrue, the outcome would not be final. More particularly, denying bail to the petitioner would not be justifiable in the giveback ground and the alleged crime being documentary.
8. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.
9. Given the above, 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.
10. The petitioner's bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.
11. 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.
12. 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)	

13. This order is subject to the petitioner's complying with the following terms.

14. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

15. 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.

16. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

17. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

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

19. 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.

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

(ANOOP CHITKARA)
JUDGE

29.11.2024
Sonia Puri

Whether speaking/reasoned:	Yes
Whether reportable:	No.