



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-46278-2024

Date of Decision: September 18, 2024

AMARJIT ALIAS AMARJIT SINGH ALIAS KALA
....Petitioner(s)

VERSUS

STATE OF PUNJAB
....Respondent(s)

CORAM: HON’BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Arun Singla, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J.(ORAL)

1. Relief Sought

The jurisdiction of this Court under Section 482 Bhartiya Nagrik Suraksha Sanhita, 2023, has been invoked seeking the concession for the grant of anticipatory bail to the petitioner in FIR No.22 dated 18.04.2024 under Sections 420/465/467/468 of IPC, registered at Police Station NRI District Police Commissionerate Jalandhar.

2. Prosecution story set up in the present case as per the version in the FIR read as under :-

‘With respect to Complaint U.I.D. No. 2267873 dated 08.03.2022 from Mike Nusche Special Provincial Constable, driver Licensing Investigation & Compliance Special Investigation Unit, Unit J7 19950 willow brook drive Langley



BC, V2Y, 1K9. The contents of which are as under: REF: NAME: Manpreet Kaur D/o Mangal Singh D.O.B. 29th OCT 2000, PBDL PB0820190056432, BCDL: 4167233, FILE 22-00749 Dear Respected Sir, I am an officer in British Columbia, Canada working in Driver Licensing. In September of last year Manpreet Kaur presented her Punjab DL depicted below and it was denied as it was an original but a copy at best, (it was blurry didn't have the process dot background of map of Punjab have engraved serial number on back). Manpreet KAUR advised this was her one and only license she had been issued and bought it from the Punjab with her, and she hadn't lost any or obtained any replacement licenses. In December of last year Manpreet KAUR advised that her father went to Jalandhar office (by the bus stand) and obtained a "Verification Letter" and an "Extract of DL" which her uncle brought with him when he returned to Canada. A search of the Punjab DL# on the sarathi site shows no record, but on parivahan site, there is a record with biographical date but no photo image. A further check into website shows that this is a backlog entry awaiting approval and DL service request can be done only after approval. From my understanding of the backlog system and as this was a 2019 issue, the license info and photo should already be on system. I have run numerous legitimate Jalandhar licenses over the years including many issued prior to this and the biographical date and photo image always come up. Review of the verification letter 4447 (dated 22nd DEC 2021) is on Indian sized paper (different size than North American Paper) and ink stamps and signatures are original, the letter itself appears to have information scanned on it rather than printed. This date also seems a bit strange as the "Extract of DL" was allegedly printed out 20 days earlier, generally when we get these combination of letters they are on the same date or one day apart. Review of "Extract of DL" (dated 22nd DEC 2021)



is on Indian sized paper and has original ink stamp, signature isn't original. The background printing is scanned on (versus printed) and the right third has lettering larger than the left side which is unusual as we find these usually all the same size. The biographical data and QR Code is also scanned on rather than printed on to letter and is a bit blurry. It depicts the photo, yet this photo isn't on the website. When the application number 482500921 from the "Extract of DL" is running through Parivahan Website it shows it belongs to the record of Gutinder Singh BASSI With a date of birth of 21 MAY 1997 from the Sangrur district and application date is 02 FEB 2021. In summary, I have serious concerns on the validity of any of Manpreet KAUR's documents and believe someone may be facilitating these documents (which I believe may be fraudulent) and possibly within the Regional Jalandhar Office. I have attached screen prints and documents below mentioned above. I am hoping one of your staff can review this and advise results. Mr. Mike Nusche sent the said application through email to the Office of the Hon'ble Commissioner Police Jalandhar. To whom Complaint Branch Office Commissioner Police Jalandhar has given Letter No. 286-Email dated 23-02- 2022. Due to the fact that the said application is regarding NRI matter, aforesaid application letter no. 2115 P.C. Dated 02/03/2022 has been sent from the office of the Additional Director General of Police (S.A.S.Nagar). On which office of Additional Director General of Police N.R.I. Wing SAS Nagar the aforesaid complaint was sent to Hon'ble Assistant Inspector General of Police, Jalandhar vide Letter No. 6368 Nodel Desk 2, N.R.I. Wing dated 10-03-2024. The investigation on the complaint was carried out by the office of Assistant Inspector General of Police, Jalandhar, who has stated in his investigation report that "i) it was found during the investigation of Application U.I.D. No. 2267873 dated 08-03- 2022, that Manpreet Kaur



daughter of Mangal Singh is a resident of Village Kohla, District Jalandhar. Who went to Canada on a study visa in the year 2019. ii) In September, 2020, Manpreet Kaur submitted an application to the Licensing Authority of British Columbia to obtain a driving license in Canada. With which he attached a copy of his driving license number PB0820190056432 issued by Punjab. iii) Manpreet Kaur at Canada in December 2020 submitted a verification and an Extract of DL to the Licensing Authority. Licensing officer at Canada Mike Nusche searched the Punjab DL site and found no records, but when he searched on the Parivahan site, he found biographical data of the person but without photo of the person. (iv) Licensing Officer Mike Nusche reviewed the verification report No. 4447 dated 22-12-2021 issued by Regional Transport Authority, then all confirmations were found to be scanned on this letter. v) Licensing Officer Mike Nusche reviewed the extract of DL and found that the signature on it is not original. The said officer found that the QR Code and biographical data were also scanned on it and the photo on it was not present on the website. vi) Licensing Officer Mike Nusche checked the application number 482500921 written on Extract of DL on PARIVAHAN website and found that this application number belongs to one Gurbinder Singh Bassi whose date of birth is 21-05-1997 District Sangrur and the date of application is 02-02-2021 vii) During investigation Mangal Singh father of Manpreet Kaur's was joined in the investigation on which he stated that he went to Booth No. 216 Tehsil Jalandhar to get his daughter's license where Amarjit Singh got his daughter Amarjit Kaur to sign on some forms and took the appointment date to give driving test. According to Mangal Singh's statement, Manpreet Kaur gave the driving test. After a few days, Amarjit Singh Kala came to his house and gave him the driving license number PB0820190056432 in the name of Manpreet Kaur. Amarjit Singh had collected. Rs. 10,000/-



from Mangal Singh. vii) During investigation Amarjit Singh alias Amarjit alias Kala son of Gurdayal Singh Division No. 08 Jalandhar was joined in the investigation then he stated that in the year 2019 Mangal Singh son of Arjun Singh resident of Kuhala District Jalandhar along with his daughter Manpreet Kaur came to him. Mangal Singh gave Manpreet Kaur's documents and Rs.4000/- to him in cash to prepare the driving license and file. Manpreet Kaur got an appointment and also clicked her photo at Driving Test Centre near Bus Stand Jalandhar. Wilson resident of Jalandhar Cantt. gave him Manpreet Kaur's driving license which he handed over to Mangal Singh. According to the statement of Amarjit Singh, Wilson has died. Manpreet Kaur had a driving test. (x) During Investigation after verifying the application number 482500921 written on Extract of DL it was found from Parivahan Sarathi website of the Ministry of Road Transport and Highways, Government of India that this application number was given by Ratinder Singh Basi son of Sukhjit Singh to change his name in the driving license applied on 02-02-2021 at R.T.A. Sangrur. Date of birth of Gurtinder Singh is 21- 05-1997 and he has driving license number PB1320150112482 which was approved on 17-08-2023. (x) During Investigation on the website Parivahan Sarathi of Ministry of Road Transport and Highways, Government of India it was found from the application number 305482318 given by Manpreet Kaur dated 02-12-2018 for learner driving license that If the statement given by Mangal Singh and the statement given by Amarjit Singh is about Manpreet Kaur's driving test being held at Jalandhar, that is correct. However, Amarjit Singh alias Kala the agent who has applied for the licence did not mention in his statement about Manpreet Kaur's "FAIL" in the test. Whereas after taking an amount of Rs. 10,000/- from the father of Manpreet Kaur had given a fake driving license no. PB0820190056432 Dated 06-11-2019



after preparing the same at his village Kohala District Jalandhar. Amarjit Singh alias Kala in his statement has admitted the fact of making the forged license along with a person named Wilson. B) Issue wise Investigation Report: During the investigation, it has been found that a written report was sent from the office of RTO Jalandhar that the driving license number PB0820190058432 has not been issued by RTO office Jalandhar. From this it is clear that the driving license number PB0820190056432 is a forged document and the related certificate number 4447 dated 22-12-2021 is also forged. During investigation, Mangal Singh father of Manpreet Kaur resident of Kuhala in his statement has stated that the driving license number PB0820190056432 was made by a person named Amarjit Singh @ Kala and Amarjit Singh had taken the driving test at Jalandhar and Rs. 10,000 as the fee for making the driving license had been received. During investigation, it has been found that Manpreet Kaur daughter of Mangal Singh resident of Kuhala District Jalandhar applied for driving license through Amarjit Singh alias Kala son of Gurdayal Singh resident of House number BX-850, Santokhapura Police Station Division Number 6, Jalandhar, her application number was 3015482318 dated 02-12-2018, who has applied for learner license. On 07-02-2019 she took her driving test but the result of the test was Fail. But Amarjit Singh alias Kala did not tell Manpreet Kaur about this result and after a few days the driving license no. PB0820190056432 Dated 16.01.2019 had been given to Mangal Singh at his village Kuhala. During investigation it was found that from where the driving license no. PB0820190056432 was prepared, how it has been prepared, when it was prepared. Manpreet Kaur has no role during this entire process. This driving license has been found to be handed over to Mangal Singh son of Pyaara Singh resident of village Kuhala district Jalandhar after receiving



10,000 rupees by Amarjit Singh alias Kala. When accused Amarjit Singh alias Kala came to know about his crime, he filed a bail application in the Hon'ble Court Jalandhar on 22-06-2023 to get the arrest on his stay. 15) Recommendations: Application U.1.D. No. 2267873 dated 08-03-2022 during verification Driving License No. PB0820100056432 16-01-2019 is found to be fake. Prima Facie Amarjit Singh alias Kala Son of Gurdayal Singh resident of House No. BX-850 Santokhpura, District Jalandhar is found to have committed offences under Section 420, 465, 467, 468 IPC for preparing fake driving license after obtaining an amount of Rs. 10,000/-. If it is accepted, it is recommended that an FIR under Section 420, 465, 467, 468 IPC be registered against Amarjit Singh @ Kala son of Gurdayal Singh resident of House No. X-850 Santokhapura District Jalandhar at Police Station NRI District Jalandhar Urban. After filing the case, during the investigation, according to the testimony of the accused, the offences may be added or deleted and other persons may become accused. The report is submitted." Sd/ (Balbir Singh PPS Assistant Inspector General of Police, N.R.I. Wing, Jalandhar. The aforesaid report was sent vide letter No. 333 AIG/NRI/JAL Dated 16-02-2024 in the service of the officers. On which order has been passed by the Assistant Inspector General of Police that "DA Legal for opinion".'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner has no role whatsoever in issuing the Driving Licence in question related to Manpreet Kaur and rather has only facilitated in preparation of the documents of application seeking issuance of Driving Licence. Apart from that nothing



incriminating could be pointed out against the petitioner as the same was issued by the Regional Transport Authority, Jalandhar.

On behalf of the State

Learned State Counsel appearing on advance notice, on instructions from ASI Jaswinder Singh, opposes the prayer for grant of anticipatory bail on the ground that the present petitioner has sought Rs.10,000/- towards his fee from father of Manpreet Kaur namely Mandeep Singh for getting issue the Driving Licence. The Driving Licence which was handed over by the petitioner to father of Manpreet Kaur was later on found to be fake and it is on that account the petitioner has played an active role.

4. **Analysis**

Be that as it may, having considered the submissions on behalf of both the parties and after giving a thoughtful consideration, this Court cannot ignore the fact that the petitioner admittedly got prepared the file keeping the documents for making an application seeking issuance of Driving Licence in the name of Manpreet Kaur and on that account he might have charged Rs.10,000/- as fee but the Driving Licence has not been issued by him, he only facilitated in submission of application and after collecting the Driving Licence from the concerned authority, handed it back to Mandeep Singh father of Manpreet Kaur.

However, without going into the correctness of such propositions put forth before this Court there may be slightest of possibility that the petitioner has only collected the Driving Licence from the issuing authority at the time of application submitted for issuance of Driving



Licence. Moreover, State of Punjab has failed to put forth any other incriminating material including as to who has actually signed the forged Driving Licence in question. Otherwise, also the State has failed to make out a case on account of which the custodial interrogation of the petitioner is sought inasmuch as it is only to ascertain the signatures on the alleged forged document i.e. Driving Licence which can very well be established by way of documentary evidence before the trial Court.

In the light of above, this Court is of the considered view that if the petitioner joins the investigation, the proceedings can be facilitated well to culminate into a final report prepared under Section 173 Cr.P.C. at the end of investigating agency. Therefore, this petition deserves to be accepted.

5. **Decision**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him joining the investigation and reporting to the Investigating Officer concerned within a period of 10 days from today, upon furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of which are reproduced below :-

'When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;



(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.'

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within 10 days, the order passed by this Court today shall automatically, stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

18.09.2024
Sangeeta

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