

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48113-2024
Date of Decision:03.10.2024

Satish ...Petitioner

vs.

State of Haryana ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Munish Behl, Advocate
for the petitioner.

Mr. Rajinder Kumar Banku, Deputy Advocate General, Haryana

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 482 of B.N.S.S with a prayer to grant anticipatory bail to him in case FIR No.24, dated 13.01.2023, under Sections 406,420,467,468,471,120-B of IPC, registered at Police Station Faridabad Central, District Faridabad (Annexure P-1).
2. The FIR in the present case was registered on the basis of complaint moved by Saddam, who alleged that he had performed marriage with Gulshan on 25.10.2009, according to Muslim Rites and Ceremonies. Gulshan had lodged one FIR No. 284 dated 23.05.2015, under Sections 323, 354-A, 406, 498A and 506 of IPC, Police Station Central Faridabad against Sadaam and his family members. Gulshan had also filed a maintenance petition in the Family Court against Saddam, however, on account of non-payment of maintenance, Saddam was arrested and remained in custody for several days. Later on, Gulshan in collusion with Social Welfare Officer and Registrar (Birth and

Death) got him declared dead by preparing his death certificate and was also receiving widow pension. She also obtained financial assistance for her children by using the death certificate of Saddam.

3. Learned counsel for the petitioner contends that the petitioner was not named in the FIR, nor he had any connection with the alleged crime. He further contends that as per the allegations levelled by the complainant, Gulshan had submitted a fake death certificate of her husband/complainant and she was the only beneficiary of widow pension and her children had received destitute pension also. He further contends that the petitioner had no connection with Gulshan or receipt of pension by her. The petitioner has been nominated as an accused only on the basis of the disclosure statement made by Mohd. Asif Khan, who was running a Customer Service Centre (CSC) and had uploaded the death certificate of Saddam wrongly. He further contends that the petitioner was working as a driver in Social Welfare Department and had no knowledge of uploading of the documents by using of computer. He further contends that the custodial interrogation of the petitioner may not be required by the police. Moreover, Mrs. Gulshan, who is the main beneficiary/accused has already been granted the concession of bail vide order dated 01.08.2023 (Annexure P-2).

4. A status report by way of an affidavit of Assistant Commissioner of Police, Central Faridabad has been filed on behalf of respondent-State and the same is taken on record.

5. On the other hand learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner in collusion with his co-accused had uploaded the fake certificate

on the website of the Social Welfare Department and he had actively participated in the commission of crime.

6. I have heard learned counsel for the parties and perused the record with their able assistance.

7. In the present case, it has been alleged that the petitioner was in collusion with his co-accused Mohd. Asif, who prepared a fake death certificate, which was uploaded by Aasif only. Moreover, co-accused Gulshan, main beneficiary/main accused has already been granted the concession of bail and the documents have already been recovered by the police. Thus, the custodial interrogation of the petitioner may not serve any meaningful purpose.

8. Without commenting on the merits of the case, the present petition is allowed and the petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 482 (2) of the B.N.S.S. It will be open for the Investigating Officer to call the petitioner to join the investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 482 (2) of the B.N.S.S.

03.10.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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