



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
283 CRM-M-49399-2024
Date of decision: 16th October, 2024
Navjot Singh

...Petitioner
Versus
State of Haryana
...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vijay Kumar Panday, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

Prayer in this petition has been made by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in case arising out of FIR No. 688 dated 31.08.2024 registered under Sections 406, 420, 467, 468 and 471 of IPC at Police Station Shahabad, District Kurukshetra.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of a written complaint lodged by the complainant-Tehsildar Shahbad, Kurukshetra to the effect that on 28.06.2024, one Suresh Kumar had moved an application before her for providing certified copy of a document bearing Vasika No. 47 dated 08.05.2024. The certified copy of the document had been prepared and it was found that



the document of the same number as available with Suresh Kumar was different from the document of the said number as available in the record of office of Tehsildar. As it appeared that the signatures of the concerned officer over this document had been forged, therefore, prayer was made for taking action. On receipt of this complaint, inquiry was conducted and it was revealed that the above named Suresh Kumar had contacted the present petitioner who was working as a typist in the premises of Tehsil Shahbad for preparing document regarding mortgage of his house as he had to secure some loan from the bank on the basis of said document. The petitioner had taken a sum of Rs. 23,000/- from him on the pretext of getting the said document prepared and registered and had given a registered document to him which was found to be false. The present petitioner was also joined into the inquiry and disclosed that the above named Suresh Kumar had approached him for preparing a deed of mortgage of his house for the purpose of securing loan. He had taken a sum of Rs. 19,000/- from him as the government expenses apart from taking money for typing the deed and had asked Gurjant Singh working as assistant Tehsildar about registration of that document. Gurjant Singh had provided the proforma and after getting it typed from him and signed from Tehsildar, had given the same to him and he had passed it over to Suresh Kumar.

3. As per the future allegations, after conducting inquiry, the



complicity of the petitioner in the act of preparing a false/fake document by forging signatures of Tehsil Shahbad had been revealed and FIR was registered. After registration thereof, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail which was dismissed by the Court of learned Additional Sessions Judge, Kurukshetra vide order dated 18.09.2024.

4. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case to save Gurjant Singh who was the master mind of the occurrence. He was simply working as a typist in the Sub Divisional Complex, Shahbad. He has been made scapegoat. On being approached by Suresh Kumar to prepare mortgage deed, he had contacted Gurjant Singh working as a helper with the Tehsildar, who had told him to prepare the requisite documents by charging a sum of Rs. 17,000/- which was given by Suresh Kumar. He had simply typed the format given by Gurjant Singh and it was the latter who had got the said document signed from the Tehsildar. His custodial interrogation is not required. He is ready to join the investigation. No recovery is to be effected from him. Therefore, it is urged that he deserves to be extended benefit of pre-arrest bail.

5. Status report has been filed by respondent-State. It is



submitted therein and argued by learned State counsel has argued that the petitioner was the person who had prepared the mortgage deed and had forged signatures of Tehsildar over the same. His complicity in the act of forging signatures of Tehsildar on this mortgage deed has been established during the course of investigation. His custodial interrogation is necessary for eliciting the truth about the manner in which the occurrence had taken place. Even otherwise, no extra ordinary or sparing circumstance has even otherwise been made out for the purpose of extending benefit of bail to the petitioner. Therefore, it is urged that the petition does not deserve to be allowed.

6. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

7. The petitioner is alleged to have taken a sum of Rs. 23,000/- from Suresh Kumar on the pretext of preparing and getting registered a mortgage deed in his favour and is alleged to have prepared a deed of equitable registered mortgage by forging the signatures of the Tehsildar, Shahbad on the same. The allegations against the petitioner are serious in nature. The investigation is at its nascent stage. It is well settled proposition of law that benefit of pre-arrest bail should not be granted in a routine manner and such concession should be granted in extra ordinary and exceptional circumstances which are not made out



from the allegations as levelled against the petitioner. Moreso, custodial interrogation of the petitioner is required for conducting thorough investigation in the matter. The Court has also to see that an order of anticipatory bail should not operate as inroad in the normal legal procedure of criminal cases by the trial Court. Keeping in view the nature of the allegations as levelled against the petitioner and as per the discussion made above, but without meaning to make any comment on the merits of the case, it is held that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

16th October, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |