

Neutral Citation No.2024:PHHC:013952
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CRM-M-53329-2023
Date of decision: 01.02.2024

....Petitioner

....Respondent

Mr. Harpreet Singh, Addl. AG, Punjab..

SANJIV BERRY, J. (ORAL)

FIR No.	Dated	Sections	Police Station
267	06.07.2023	406, 420, 467, 468 and 471 IPC	P.S. City Ferozepur, District Ferozepur.

- “This petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No.267 dated 06.07.2023, under Sections 406, 420, 467, 468 and 471 IPC.*

registered at Police Station City Ferozepur, District Ferozepur.

Learned counsel for the petitioner has submitted that the complainant is a relative of the petitioner. At the instance of the petitioner and that of his wife, one FIR each was got registered against the complainant. The present FIR is a counterblast. The allegations levelled in the complaint are that the petitioner has forged his Scheduled Caste Certificate and availed of the benefits on that basis causing loss to the State exchequer to the tune of ₹1,00,353/-. It is further submitted that no recovery is to be effected from the petitioner as all the documents are in possession of the department and petitioner had surrendered his Scheduled Caste Certificate much prior to the registration of FIR. The petitioner volunteers to deposit a sum of ₹1,10,000/- to show his bona fide. Learned counsel submits that the petitioner is ready to join investigation and cooperate with the investigating agency.

Notice of motion.

Mr. Amish Sharma, AAG, Punjab, accepts notice on behalf of respondent-State and waives service. Learned State counsel assisted by ASI Harnek Singh, Police Station City Ferozepur, submits that the petitioner does not deserve the concession of pre-arrest bail and his custodial interrogation would be required to unravel the truth and elicit names of other persons involved along with the petitioner responsible for preparation of the forged Scheduled Caste Certificate. It is further submitted that by making good the loss caused to the State exchequer would not absolve the petitioner of the liability. He seeks time to file reply/status report.

List on 21.11.2023.

In the meanwhile, petitioner shall deposit a sum of ₹1,10,000/- with 'Punjab State Power Corporation Limited' and join the investigation, and associate the investigating agency as and when called. In the event of arrest, the

petitioner shall be admitted to interim bail on furnishing personal bond and surety to the satisfaction of Arresting Officer/Investigating Officer. The petitioner shall abide by the conditions specified in Section 438(2) Cr.P.C.”

4. Learned State counsel on instructions from ASI Ayub Masih informs the Court that the petitioner has joined the investigation and is neither required for further investigation nor for any custodial interrogation.
5. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 19.10.2023 passed by this Court, interim bail granted vide order dated 19.10.2023 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.
6. The petition stands allowed.
7. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

01.02.2024
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |