



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50790-2024
DECIDED ON: 09.10.2024

JASHANPREET SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Mikhail Kad, Advocate
for the petitioner.

Mr. Malkiat Singh, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.55, dated 23.05.2024, under Sections 465, 467, 468, 471, 120-B IPC, registered at Police Station Dirba, District Sangrur.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“At this moment it is registered that order no. PGD-ID 321175 dated 19.03.2024 from SSP Sangrur has been received through post from Laadi Singh son of Bhola Singh Tehsil Dirba District Sangrur against Jashan Preet Singh son of Gurmail Singh and Makhan Singh son of Ram Singh residents of Sadihari for registering of a case U/s 465, 467, 468, 471, 120-B IPC which is as stated- To, The SSP Punjab Police Sangrur. Subject-

Complaint for getting legal action initiated against the accused persons after doing the enquiry of the affidavit. Sir, it is requested that I Laadi Singh son of S. Bhola Singh am a resident of Village Sadihari Tehsil Dirba. That I had given a complaint to you against Jashan Preet Singh son of Gurmail Singh resident of Village Sadihari Police Station Dirba for not giving the money of the contract of land and instalment of car. During the time of the investigation/ enquiry of the complaint Jaspreet Singh has produced a forged affidavit in my name on which my signatures have been forged. In the affidavit false compromise has been produced in regard to the aforesaid complaint which I confirm. The signatures affixed on it are not of mine and no date has been depicted on it. This is a baseless and forged affidavit. On the affidavit the signatures of the witnesses namely Makhan Singh son of Ram Singh Sadihari and Sandeep Singh Sadihari have also been affixed. But it was got recorded by Makhan Singh in his statement with the investigating officer that in the year 2020 agreement had been entered into on verbal basis between Jashan Preet Singh son of Gurmail Singh and Laadi Singh son of Bhola Singh residents of Village Sadihari of my village in regard to contract of land from which it becomes clear that a false and forged affidavit has been prepared by Jashan Preet Singh, Makhan Singh and Sandeep Singh. I am a justice loving person. So I am humbly requesting that by getting the enquiry of the affidavit done and by initiating legal action against the aforesaid persons justice be given to me. I will be thankful to you. SD/- Laadi Singh Your well wisher Laadi Singh son of Bhola Singh Tehsil Dirba District Sangur Mobile No.9779858358.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that as per the prosecution story, the role attributed to the petitioner is that he has forged the signatures of the complainant on affidavit/agreement in which the complainant agreed to sell his land measuring 3 kanals 11 marlas for a consideration of Rs.6,50,000/- and the petitioner has paid Rs.2 lakhs as earnest money to the complainant and also executed one document regarding transfer of ownership of Verna car bearing registration No.PB-13-BN-7449. It has been contended on behalf of the petitioner that the dispute involved in the instant FIR is of civil nature but has given a colour of criminal liability.

On behalf of the State

Learned State Counsel appearing on advance notice, opposes the grant of anticipatory bail to the petitioner on the ground that the petitioner has forged the signatures of the complainant on affidavit/agreement in which the complainant agreed to sell his land measuring 3 kanals 11 marlas for a consideration of Rs.6,50,000/- and the petitioner has paid Rs.2 lakhs as earnest money to the complainant.

4. **Analysis**

Be that as it may, considering the facts that co-accused, namely, Makhan Singh has been granted the concession of anticipatory bail by this Court vide order dated 17.09.2024 (Annexure P-5) passed in CRM-M-36573-2024; the dispute involved in the instant FIR is of civil nature but has given a colour of criminal liability and also the fact that a civil suit is already pending before the trial Court, this Court is of the considered view that the

custodial interrogation of the petitioner at this stage is not deemed to be necessary.

5. **Decision**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, 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 a

period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

09.10.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No