



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

106

CRM-M-50922-2024

DATE OF DECISION: 15.10.2024

HARBANS SINGH

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. M.K.Sajjan, Advocate for the petitioner(s).
(through VC).
Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)**1. Relief Sought**

This petition has been filed under Section 482 of BNSS, 2023, for grant of Anticipatory Bail to the petitioner in FIR No.183 dated 12.09.2024 under sections 420,467/468,471 & 120-B, of IPC, (Annexure P-1) registered at Police Station City Rajpura, District Patiala.

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

‘At Presently an Application No. 7836/PC dated 11.09.2024 submitted by Bahadur Singh son of Dalip Singh resident of village Raipur Rajputan sub: Khanna District Ludhiana for registration of case under Sections 420,467,468,471,120-B IPC against Hardeep Singh son of Harbans Singh, Harbans Singh son of Teja Singh resident of village Uttalan, Tehsil Samrala District Ludhiana, Sukhwinder Singh son of Hoshiar Singh resident of village Saidkheri and Charanjit Singh son of Lakhvir Singh resident of village Sayian



Kala Dehlo District Ludhiana, for producing fake girl Daljit Kaur and fake Bahadur Singh for inquiry has been received from the Office of Worthy Senior Superintendent of Police, Patiala through post, the details are as under:-To, Worthy S.D.M.Sahiba, Sub Division, Rajpura, Patiala Subject: Legal action should be against Hardeep Singh son of Harbans Singh, resident of village Uttala Tehsil Samrala District Ludhiana (phone number 7508461766) and related persons who with wrong intention, and by colluding with each others, and by attaching forged documents, and by producing fake unknown persons and fake unknown girl in place of bride, and getting the marriage registered, after investigation. Madam, 1) It is request that I am Bahadur Singh son of Dalip Singh resident of Village Raipur Rajputan Teh: Khanna District Ludhiana. 2) That one person named Hardeep Singh mentioned in the subject matter has prepared false and fake documents with malafide intention and by attaching the wedding photos of someone else and using the documents as a pretext to the complainant and by putting some other girl in place of bride, and by some unknown persons as his relatives, as witnesses registered marriage vide marriage registration No. PAA/RJP//2023/48457569 Dt. 06-05-2023 from the Office Marriage Registrar cum Tehsildar Rajpura. 3) That in this action my daughter has been described as the bride, her name has been shown as Daljit Kaur Ballewal daughter of Bahadur Singh resident of Raipur District Ludhiana who is my daughter. My daughter was never married to the above said person Hardeep Singh. The above said Hardeep Singh by putting fake documents in the file, by putting someone else's wedding photos and by producing some fake girl as my daughter instead of my daughter and using the documents taken from us under the pretext, the above said Hardeep Singh. has got the marriage registered with bad intentions by involving other persons in this wrongful act with him. Whenever I came to know about this wrongful and illegal act, I filed an application under



Right of Information Act, 2005 to the office of Marriage Registrar cum Tehsildar Office Rajpura, and issued the certified copies of all the documents enclosed in the said marriage registration file, and then I got the confirmation of this entire wrongful illegal act. 4) That actually the said Hardeep Singh is a resident of village Uttalan Tehsil Samrala District Ludhiana but the said Hardeep Singh with bad intention has given his address as village Saidkheri Tehsil Rajpura District Patiala and got prepared his and his father fake aadhar Card of village Saidkheri Teh:Rajpura, Distt.Patiala, and placed on the file. 5) That my daughter Daljit Kaur Ballewal is divorcee and that the above said Hardeep Singh has registered the marriage by introducing another girl, in which he has shown the bride as unmarried. 6) That my daughter Daljit Kaur Ballewal's previously married somewhere else, after which she got, divorce and my daughter Daljit Kaur Ballewala, had got UK Visa, and talked about my daughter's marriage with the above said Hardeep Singh and duly informed to Hardeep Singh and his family about my daughter's divorce. I had gone so everything had been cleared. Hardeep Singh had taken my daughter Daljit Kaur Ballowal's Aadhaar card, copies of other documents and my Aadhaar card by saying that he had to talk with some agent regarding getting foreign visa and these documents were to be shown to him. The marriage of my daughter Daljeet Kaur ballewal was not performed with above named Hardip Singh, only the engagement was arranged and there were some photographs of the occasion, but the said Hardeep Singh and his family has registered the marriage by misusing the copy of my daughter and my Aadhaar card and introducing some other girl in place my daughter.7) That from the above facts, it is made clear that the above said Hardeep Singh along with his family and other men have done all the wrong and illegal work with bad intention. By submitting the application, it is requested that an order be made to conduct an impartial investigation into this



matter and register a case under appropriate sections, against the above named Hardeep Singh and other persons who are indulging in this wrong act. With thanks Date: 11.01.2024 Request By: True/- Bahadur Singh Son of Dalip Singh Resident of Village Raipur Rajputan Tehsil Khanna District Ludhiana Phone No. (98147-93979)," On the application Sub Divisional Magistrate Rajpura has written while sending copy of the complaint is sent to the Deputy Supertindent of Police Rajpura, Circle, and it is written that the necessary action as per the rules be taken immediately implemented.Sd/- Sub-Divisional Magistrate, Rajpura."

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case and no specific role whatsoever has been attributed to him in the instant FIR. He submits that the petitioner has been nominated as an accused merely being father of co-accused-Hardeep Singh who has allegedly ACTED as an agent. He would further submits that neither the petitioner is beneficiary of any transaction took place between the complainant and the co-accused nor any incriminating material is shown by the prosecution against him.

Notice of motion.

On the asking of Court, learned State Counsel appearing on advance notice, accepts notice on behalf of respondent-State.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investigating Officer vehemently opposes the prayer



for grant of concession of anticipatory bail on the ground that the petitioner is involved along with his son-Hardeep Singh and other co-accused in the offences whereby lakhs of rupees were misappropriated, therefore, prays for dismissal of the present petition.

4. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties and keeping in view the facts that learned State Counsel failed to produce any direct or indirect incriminating material against the petitioner and neither a single penny has been transferred in the account of the petitioner nor he has received any amount in cash, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

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 investigation and reporting to the Investigating Officer concerned within a period of one week from today, on 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 one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

15.10.2024
anuradha

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No