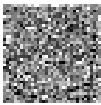


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2024:PHHC:135059



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50949-2024
DECIDED ON: 16.10.2024

CHARANJEET SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Amritpal Singh Gill, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked 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 and 120-B IPC, registered at Police Station City Rajpura, District Patiala.

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

1. I Bahadur Singh S/o Dalip Singh is the resident of Village Raipur Rajputa, Tehsil Khanna, District Ludhiana. 2. That the person by the name Hardeep Singh mentioned in the subject matter prepared forged documents and affixed photographs of marriage of someone else and by taking the document from the complainant by making some excuse and used those

documents and produced some other girl in place of bride and by telling unknown persons, his relatives and associate them by saying that they are witnesses got registered marriage vide number PAA/RJP/2023/48457569 dated 06.05.2023 from the office of Marriage Registrar-cum-Tehsildar Rajpura. 3. That the girl who has been stated to be bride and whose name has been stated to be Daljit Kaur, Ballewal D/o Bahadur Singh R/o Raipur, District Ludhiana who is my daughter, whereas, the marriage of my daughter was never got registered with the above stated Hardeep Singh. The above stated Hardeep Singh attached fake documents and the photographs of someone else's marriage and by saying some other girl as my daughter and by using the documents obtained from us by the above stated Hardeep Singh in connivance with other persons has got the marriage registered. When I came to know about this illegal work then I made application under the Right to Information Act with the office of Marriage Registrar-cum- Tehsildar, Rajpura and obtained the copies of all the documents annexed with the marriage registration file and came to know about the illegal act. 4. That a reality the above stated Hardeep Singh is the resident of Village Uttala, Tehsil Samrala, District Ludhiana, but the above stated Hardeep Singh with bad intention had given his address of village Said Kheri, Tehsil Rajpura, District Patiala and also attached fake aadhar card of himself and his father of village Said Kheri, Tehsil Rajpura. 5. That my daughter Daljit Kaur Ballewal is a divorcee and the above stated Hardeep Singh has got the marriage registered by producing some other girl whereby he has mentioned the bride as unmarried. 6. That my daughter Daljit Kaur Ballewal was married somewhere else, where from she got divorce. My daughter Daljit Kaur Ballewal

had UK VISA and the talks of marriage of my daughter were going on with above stated Hardeep Singh and we have told Hardeep Singh and his family with regard to divorce of my daughter and thus cleared all the things. Hardeep Singh obtained photocopies of aadhar card and other documents of myself and my daughter Daljit Kaur Ballewal by saying that he had a talk with some agent for getting VISA for going abroad and he had to show these documents to him. The marriage of my daughter Daljit Kaur Ballewal was never performed with the above stated Hardeep Singh but only roka ceremony was done and some photographs of this ceremony were also clicked. But the above stated Hardeep Singh and his family members with bad intention misused the copy of aadhar card of my daughter and produced some other girl in place of my daughter and got the marriage registered. 7. That from the above it is clear that above stated Hardeep Singh in connivance with his family members and other persons and with bad intention has done an illegal act. Therefore, complaint is made that an impartial investigation be carried out and case be registered against above stated Hardeep Singh and other persons indulged in this illegal act. Thank you dated 11.01.2024. Sd/- Bahadur Singh S/o Dalip Singh R/o Raipur Rajputa, Tehsil Khanna, District Ludhiana Phone No. 98147-93977.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner is only a witness at the time of registration of marriage between Hardeep Singh and daughter of the complainant and on that account he was nominated as an

accused in the instant FIR. He would further submit that even otherwise whatever transaction has taken place, he is not at all beneficiary to the same and even the understanding/oral contract between the complainant and boy's family is not legally enforceable in law and therefore, no criminal liability could be fastened upon him.

On behalf of the State

Learned State Counsel appearing on advance notice, seeks custodial interrogation of the petitioner asserting that some other girl has impersonated as the daughter of the complainant before the Marriage Registrar, Patiala at the behest of petitioner.

On behalf of the complainant

Mr. Swarn Singh Tiwana, Advocate has put in appearance on behalf of the complainant and has filed vakalatnama, which is taken on record. He strenuously seeks dismissal of the instant petition submitting before this Court that the petitioner has facilitated in identifying the girl who has impersonated herself as complainant's daughter, which is factually incorrect.

4. **Analysis**

Be that as it may, having regard to the aforesaid facts and the narrated circumstances which can be culled out from bare reading of the FIR in itself that the allegations qua the petitioner is only of identifying a girl but said identification is based on one Aadhaar Card carried by that girl who solemnized marriage with Hardeep Singh as both are stated to be travelling abroad with a mutual understanding of Rs.25 lacs to be paid by the boy's side to the girl, who actually had to be of complainant's daughter, I am of the

considered view that whatever the circumstances may be, the whole transaction seems to be by way of a contract and sole motive to settle abroad by wrongful means on both sides i.e. the boy and the girl and the petitioner's role is only that of identification which is on the basis of Aadhaar Card, which is a fabricated and forged document and for that custodial interrogation is not considered to be required at this stage since such information and other details can be divulge from the petitioner once he joins the investigation under protection.

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.

16.10.2024
Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>