

CRM-M-53764-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53764-2024
Reserved on: 19.11.2024
Pronounced on: 29.11.2024

Rajpal Singh ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Harvinder Singh Maan, Advocate
for the petitioner.

Mr. Rajat Gautam, Addl. AG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
144	03.06.2023	Sadar Rattia, District Fatehabad	193, 420, 467, 468, 120-B IPC (later on Sections 201, 471 IPC were added)

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, seeking regular bail.

2. As per custody certificated dated 18.11.2024, petitioner has no criminal antecedents.

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“2. That the brief facts of the present case are that present case FIR was registered on the complaint of complainant PSI Ashok Kumar, Incharge, Police Post Nagpur. Complainant asserted in his complaint that from perusal of case file of FIR No. 340 dated 12.12.2020 U/s 323, 324,325,326,34 IPC and 25 Arms Act PS Sadar Rattia, it has been found that in said case accused Rajpal Singh (petitioner- accused) son of Joginder Singh resident of Bhagwanpura Hingna Current R/o Adamke Dhani, District Mansa (Punjab) had filed anticipatory bail application in Hon'ble District and Sessions Court Fatehabad on 25.01.2021 through his father Joginder Singh son of Mala Ram and same was dismissed by Ld. ASJ, Fatehabad vide order dated 27.01.2021. Thereafter, accused Rajpal Singh (petitioner-accused) had filed anticipatory bail application in

CRM-M-53764-2024

Hon'ble Punjab and Haryana High Court Chandigarh on 08.02.2021 through his father Joginder Singh vide CRM-M No. 6011 of 2021, in which Hon'ble Justice Sh. Raj Mohan Singh had passed order dated 15.02.2021 that "petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 20.02.2021 at 11:00 AM and in the event of his arrest, he shall be enlarged on ad interim bail, on his furnishing requisite bail bonds/surety bonds subject to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.. To be heard along with CRM-M No. 5832 of 2021." In compliance with afore-mentioned order, accused Rajpal Singh (petitioner-accused) was joined with investigation of case FIR No. 340 Dated 12.12.2020 U/s 323,324,326,34 IPC and 25 Arms Act PS Sadar Rattia on 20.02.2021 and was consequently released on bail. During investigation of afore-mentioned case, on 26.04.2022, birth certificate of accused Rajpal Singh (petitioner-accused) was get verified and Sh. Shyam, Clerk, District Registrar Births & Deaths, District Mansa, Punjab gave report that as per birth entry was found in the name of Rajpal Singh son of Joginder Ram, date of Birth 02.05.2005, Registration No. 176, place of Birth is village Adamke, Year 2005. During further verification, on 26.05.2022, an application was given to Primary School Bhagwanpura Hingna District Mansa for verification of his date of birth and as per school record, date of birth of Rajpal (petitioner- accused) was found to be 02.07.1999. At the time of incident age of Rajpal (petitioner-accused) was 21 years but Rajpal (petitioner- accused) and his father Joginder by showing age of Rajpal (petitioner-accused) as 15½ years in Hon'ble Court Fatehabad M and Hon'ble Punjab and Haryana High Court Chandigarh have deceived and have submitted false evidence in Hon'ble Courts and have taken anticipatory bail from Hon'ble Punjab and Haryana High Court. Regarding which, opinion was also sought from Deputy District Attorney, O/o. Superintendent of Police Fatehabad and concerned Deputy District Attorney opined as under, "I have gone through the application dated 11.01.2023 submitted by SHO Police Station Sadar Ratia, whereby opinion has been sought from the undersigned whether accused Rajpal S/o Joginder Singh be re-arrested or not in this case. After perusal of the application, it reveals that accused Rajpal moved CRM-M No. 6011 of 2021 before the Hon'ble High Court for granting anticipatory bail U/s 438 Cr.P.C. in case bearing FIR No. 340 dated 12.12.2020 registered U/s 25,27 of Arms Act, 1959 and sections 148,149,323,324,506 IPC (Section 326 IPC added later on) Police Station Sadar Ratia. The interim bail of

CRM-M-53764-2024

the alleged accused has been granted by the Hon'ble High Court vide order dated 15.02.2021. On the basis of the Hon'ble High Court's order alleged accused was produced by his uncle to join the investigation. During investigation accused Rajpal produced his Aadhar Card and photocopy of his birth certificate, which was issued by Health Welfare Family Department Chief Registrar Birth and Death Mansa (Pb.) in which the accused Was found to be juvenile. During investigation a stick has been recovered from the accused and thereafter Investigating Officer filed reply before the Hon'ble High Court that the accused Rajpal is not more required for further investigation in the case and interim order dated 15.02.2021 was made absolute by the Hon'ble High Court vide order dated 27.08.2021. During course of investigation, birth certificate of alleged accused was found to be fake. Thereafter, Investigating Officer obtained school certificate (Annexure R-1) of accused Rajpal from Government Primary School, Bhagwanpur, Hingana (Pb.) in which his date of birth was mentioned as 02.07.1999. On the basis of above mentioned facts, sections 420, 467, 468 IPC has been added by the Investigating Officer in the case. Keeping in view the facts and circumstances of the case, I am of the opinion that an application may be moved before Hon'ble High Court for cancellation of anticipatory bail order by Investigating Officer and if the bail order will be rejected by Hon'ble High Court, then, accused may be re-arrested in that case. Although, Investigating Officer may also be registered a separate case under the provision of penal against accused Rajpal. Opinion submitted for kind consideration please." On the basis of said opinion, present case FIR No. 144 dated 03.06.2023 was registered against two accused persons namely (i) Rajpal (petitioner) and 2. Joginder Ram for the offences punishable u/s 420, 467, 468, 120-B, 193 of IPC at Police Station Sadar Ratia and investigation was carried out.

3. That further investigation was carried out by SI Radha Krishan no. 59, Police Post Nagpur and during investigation, efforts were made to arrest accused persons and their arrest warrants have been got issued and on 03.12.2023, petitioner-accused Rajpal was arrested in the present case in accordance with law and petitioner-accused Rajpal suffered disclosure statement regarding his involvement in the present case alongwith co-accused Joginder Ram. During investigation, two days police remand of the petitioner was obtained from the Ld. Illaqa Magistrate and during police remand, on 04.12.2023, petitioner disclosed that "on 11-12-2020 I had come to Pardeep Palace Nagpur for a wedding. Where I and my friends had a fight with Jasbir Singh resident of Satta Kheda. In the fight

CRM-M-53764-2024

Jasbir Singh got injured a lot and Jasbir Singh filed a case against us. In order to get bail in the case, I had conspired with my father to get my age reduced to 18 years in my birth certificate. To get ball in the case, I had edited my birth certificate in my mobile phone using me pen and got a printout of the birth certificate from Sardulgarh market. I had written my details and my date of birth as 02.05.2005 instead of 02.07.1999 on my blank birth certificate using my pen. After that, I went to a shop in Sardulgarh, Punjab and showed my fake birth certificate and got my date of birth changed from 02.07.1999 to 02.05.2005 in my Aadhar card. My father Joginder Singh (co- accused) was aware about it and then my father, on knowing about my fake birth certificate, applied for bail in the Honorable Session Court, Fatehabad by submitting a fake birth certificate. When my bail was cancelled, my father got me bail from the Honorable Punjab & Haryana High Court, Chandigarh by submitting the same fake birth certificate. After the bail was approved, I became a part of the investigation in the case. I had sold the mobile phone in which I had edited my birth certificate to an unknown person". True translation of disclosure statement of petitioner-accused Rajpal is enclosed herewith as Annexure R-2 for the kind perusal of the Hon'ble High Court. In pursuance of his disclosure statement, petitioner-accused Rajpal got recovered fake and forged birth certificate, fake Aadhar Card and original Aadhar Card and accordingly section 471 IPC was added in the present case. True copy of forged birth certificate is annexed herewith as Annexure R-3 for the kind perusal of the Hon'ble High Court."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

6. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. As per paragraph 3 (Page 5 of the Amended petition), the petitioner has been in custody since 03-12-2023. As per the custody certificate dated 18.11.2024, the petitioner's total custody in this FIR is 11 months & 13 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage.

7. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

CRM-M-53764-2024

8. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

9. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

10. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

11. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

12. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

13. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

14. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

29.11.2024
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.