



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-63123-2023

Date of Decision:-15.05.2024

Ravinder Shah Singh.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Sanjeet S. Taank, Advocate for
Mr. J.S. Gill, Advocate for the Petitioner.

Ms. Ramta K Chaudhary, Deputy Advocate General, Punjab.

Mr. H.S. Rakhra, Advocate for the Complainant.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in this petition under Section 438 Cr.PC is for the grant of anticipatory bail in case FIR No.165 dated 14.07.2023 under Sections 419, 420, 465, 467, 468, 471 and 120-B IPC registered at Police Station Division No.5, Police Commissionerate, Ludhiana, District Ludhiana.

2. The present FIR came to be registered at the instance of Ms. Divya Sharma, Judicial Magistrate Ist Class, Ludhiana and the same reads as under:-

“ From Divya Sharma, Judicial Magistrate 1st Class Ludhiana.
To The Officer In Charge, Police Station-Division No. 5 Ludhiana.
(THROUGH PROPER CHANNEL)Subject: Registration of FIR
against following persons:-1. Ravinder Shah Singh s/o S. Gurbax
Shah Singh resident of House No. 661, 1st Floor, Mukherjee Nagar,



New Delhi. 2 Jaswant Singh s/o Dalip Singh resident of House No. 43, Near Gurudwara Bhagat Ravidass Ji, Village Shehzad, District Ludhiana. 3. Unknown Memo, It is brought to your notice that in the criminal complaint titled as "Harjeet Singh v. Ravinder Shah Singh" filed under Section 138 of Negotiable Instruments Act, 1881 bearing no. COMA/9038/2021, accused Ravinder Shah Singh had submitted surely bonds in court wherein one Surjit Singh s/o S. Sarwan Singh, resident of House No. 75, Near Gurudwara Bhagat Ravidass Ji, Village Shehzad, District Ludhiana stood as a surety and was identified by one Jaswant Singh c/o Dalip Singh r/o H.No. 43, near Gurudwara Bhagat Ravidass Ji, Village Shehzad, Ludhiana. On the basis of application moved by complainant as well as Surjeet s/o Sarwan Singh r/o Village Hawara, Ludhiana enquiry was conducted. Letter was sent to SDM, Ludhiana (South) for verification of surety bonds. As per the report received from Tehsildar, Ludhiana (South) Surjit Singh s/o Sarwan Singh is the owner of Khewat No. 169/212. Further report with respect to ownership of property appended with the surety bonds neither bears the Signatures of Patwari nor Tehsildar. Applicant has forged the signatures on report therein. Summons were sent to Surjit Singh s/o Sarwan Singh at the address mentioned in surety Bonds which were received back with report that he is residing in Halwara from a long time. Summons issued to surely witness Jaswant Singh s/o Dalip Singh were received back with report that house not traced out. In the given circumstances it transpires that accused Ravinder Shah Singh hatched a deep-rooted controversy with Jaswant Singh s/o Dalip Singh and others to cheat this court by producing one fictitious person who impersonated himself as Surjit Singh s/o Sarwan Singh owner of Khasra No. 19/13/3, 17/3, 18, 19/1, 23/2/1, 24/1 and 24/2, Khatauni No: 212 and Khewat No. 169/165 of Village Shehzaad, Hadbast No. 289, Tehsil, Ludhiana (South) and used forged surety papers as genuine and cheated this court with an intent to get the accused Ravinder Shah Singh bailed out. Even Jaswant Singh s/o Dalip Singh r/o resident of House No. 43, Near Gurudwara Bhaga. Ravidass Ji. Village Shehzad, District Ludhiana falsely identified one fictitious/fake person as Surjit Singh s/o Sarwan Singh. Thus, you are directed to register FIR against against Ravinder Shah Singh s/o S. Gurbax Singh, Jaswant Singh s/o Dalip Singh and unknown person under relevant provisions of law. Since, accused has stated in his application seeking permission to withdraw surety that he knew Surjit Singh who stood as surety for him, hence, he can tell about the person who impersonated himself



as real Surjit Singh s/o Sarwan Singh. Copy of FIR be sent to this court immediately after its registration. Further, a prompt legal action is required to be taken against them as well as any other person who is found to be involved for commission of the above said offences. Documents produced for furnishing surety bonds, fard jamabandi, affidavit, copies of identify proofs, affidavit of Surjit Singh s/o S. Sarwan Singh, report of Tehsildar, Ludhiana (South) are enclosed herewith)Sd/-Divya Sharma PCS, Judicial Magistrate Ist Class."

3. The Counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. In fact he was a resident of Delhi and his bail bonds and surety bonds were got furnished by his earlier counsel at Ludhiana. The surety who submitted fake documents had been identified wrongly by the *lambardar*. In fact all this had been done at the instance of Harjit Singh, the complainant in the 138 NI Act case against the petitioner. On getting to know that some incorrect documents had been filed, the petitioner had moved an application for discharging the previous surety which was allowed by the Trial Court. As he was ready and willing to join the investigation, he was entitled to the concession of anticipatory bail.

5. The Counsel for the State and the Counsel for the Complainant on the other hand while placing reliance on the affidavit dated 06.03.2024 of Mr. Jatin Bansal, Assistant Commissioner of Police, Civil Lines, Ludhiana contend that the petitioner in connivance with his co-accused had furnished fake surety bonds before the concerned Court. The investigation was still pending and in order to trace all the particulars of the person who impersonated as Surjeet Singh son of Sarwan Singh before the Court and to seize the necessary documents the custodial interrogation of the petitioner was required. Even otherwise, from the bare perusal of the FIR, the offence stood *prima facie* established and therefore, the petitioner was not entitled to



the concession of anticipatory bail.

6. I have heard learned Counsel for the parties.

7. The Hon'ble Supreme Court in the case of "**Sumitha Pradeep Vs. Arun Kumar C.K. & Anr. 2022 Livelaw (SC) 870**", has held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the *prima facie* case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

" It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.

Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.

*We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. **There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put***



up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail”.

8. In the instant case a perusal of the FIR would clearly reveal that the petitioner furnished fake surety bonds in order to procure the bail. During the course of the verification it has been found that the signatures of the Patwari and Tehsildar had been fabricated on the property ownership documents appended with the surety bonds. Therefore, the offence stands *prima facie* established. Further in order to take the investigation to its logical conclusion and to know all the particulars of the person who impersonated as Surjeet Singh and to effect necessary recoveries, the custodial interrogation of the petitioner is certainly necessary.

9. In view of the above, I find no merit in the present petition and the same stands dismissed.

10. However, the observations made hereinabove are only for the purposes of deciding this anticipatory bail petition and the Trial Court is free to adjudicate upon the matter on the basis of the evidence lead before it uninfluenced by any such observations made.

(JASJIT SINGH BEDI)
JUDGE

May 15, 2024
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No