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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.65038 of 2023
Date of decision: 13.12.2024

Krishan Kumar ... Petitioner

Vs.

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Shantanu Bansal, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

Mr. Anshumaan Dalal, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
68	08.02.2023	Baldev Nagar, District Ambala	420, 468, 471 and 120-B of IPC

2. Adumbrated facts as emanating from the record are that the aforementioned FIR was registered on the complaint lodged by

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complainant Manmohan Kumar alleging therein that he along with his wife Prem Lata was occupant of a residential house at Baldev Nagar, Ambala. The petitioner had forged his signatures on an affidavit and had submitted the same with the Electricity Department for procuring electricity connection of the above named house in his own name. The complainant had come to know about this and had filed a complaint with the Electricity Department and the electricity connection issued in name of the petitioner had been disconnected. While alleging that a dispute qua the abovesaid residential property had been going on between the petitioner and himself and he had forged his signatures thereby committing offences of cheating and forgery, he prayed for taking action against the petitioner. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail which was dismissed by the Court of learned Additional Sessions Judge, Ambala vide order dated 12.12.2023.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The complainant had lodged similar complaints bearing Nos.6173 dated 08.12.2021 and 822 dated 16.02.2022. A compromise was arrived at between the parties as per which certain properties had been agreed to be transferred inter se. The complainant then resiled from the said agreement. On his complaint

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bearing No.822 dated 16.02.2022 a detailed inquiry was conducted and the allegations were levelled against the petitioner were found to be false and it was found to be a dispute of civil nature between the parties. Inquiry was again conducted on another complaint filed by the complainant bearing No.3078 dated 03.06.2022 and the petitioner was found to be innocent. During the course of inquiry, the stamp vendor from whom the stamp paper of affidavit was purchased and the notary public who attested the affidavit recorded statements in favour of the petitioner. The custodial interrogation of the petitioner is not required. The case is based on documentary evidence. He has joined investigation in compliance of order dated 22.12.2023 and even subsequently. There is no fake document in his possession and as such no recovery thereof can be got effected from him. No purpose would be served by detaining him in custody. The ingredients for commission of the offences for which he has been booked, are not established even prima facie. With these broad submissions, it is urged that the order of interim bail as passed in his favour deserves to be made absolute.

4. Per contra, learned Assistant Advocate General, Haryana assisted by learned counsel for the complainant has argued that there are serious allegations against the petitioner qua committing forgery and about cheating the complainant by forging his signatures on an affidavit for issuance of electricity meter in his own name to deprive the petitioner

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of his right of ownership qua their residential property and by obtaining electricity connection in his name. It is argued that no extraordinary circumstance has been made out in favour of the petitioner and, therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record.

6. The petitioner is alleged to have forged the signatures of the complainant on an affidavit and submitted the same to the Electricity Department. He has joined investigation. The case is based on documentary evidence. The affidavit which is alleged to have been forged by him has not been got recovered from him. The same is presumed to be in custody of the Electricity Department and not the petitioner. Even otherwise on account of non recovery thereof, the petitioner cannot be denied benefit of bail. It is a question of trial as to whether signatures over such affidavit had been forged by the petitioner or not and the same has to be decided on the basis of evidence to be led during trial. For that purpose, custodial interrogation of the petitioner is not required. The subject offences are triable by Magistrate. No purpose would be served by detaining the petitioner in custody.

7. In view of the above discussed facts but without meaning to make any comment on the merits of the case, the petition is allowed and the order dated 22.12.2023 is made absolute subject to petitioner's

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abiding by the usual terms and conditions relating to grant of anticipatory bail.

13.12.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No