

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-309-2025
Reserved on: 03.02.2025
Pronounced on: 07.02.2025

Charanjit Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. H.P.S. Rakhra, Advocate
for the petitioner.

Mr. Akshay Kumar, A.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
305	22.11.2013	Phase-I, District SAS Nagar, Mohali	419, 420, 465, 467, 468, 474, 120-B IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 23 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:-

“2. That with regard to the subject matter of the present petition, it is submitted that case/FIR No. 305 dated 22.11.2013 u/s 419, 420, 465, 467, 468 IPC was registered at PS Phase-I, District SAS Nagar against Charanjit Singh (Petitioner) and Tajinder Kaur after preliminary enquiry into the complaint of Daljit Kaur, Bibi Farms Gazipur, Zirakpur on the allegations that there was some old litigation of the complainant Daljit Kaur with her husband Charanjit Singh. The said Charanjit Singh, the husband of the complainant Daljit Kaur had got prepared the General Power of Attorney dated 06.03.2009 from Mohali Tehsil by producing some other lady by introducing her as his wife Daljit Kaur. As per the complainant, the aforesaid lady is Tejinder Kaur daughter of Surinder Singh, resident of Chalheri, whose photographs is affixed on the General Power of Attorney. The father of said Tejinder

Kaur got recorded in his statement that his daughter has been missing since 2002 and the report qua the same is registered in Police Station Mulepur, District Fatehgarh Sahib. As per report received from the District Transport Office, Fatehgarh Sahib, in the year 2008, one motorcycle bearing registration no. PB-23-G-6917 was registered in the name of Tejinder Kaur daughter of Surinder Singh, resident of Village Chalheri, District Fatehgarh Sahib.”

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 status report.
6. It would be appropriate to refer to the following portion of status report, which reads as follows:-

“ROLE OF THE PETITIONER:

8. That the role attributed to the petitioner in the present case is that he produced some other lady in place of his wife/complainant Daljit Kaur and got executed and registered the General Power of Attorney of the land by forging the signatures of the complainant on the said GPA.

EVIDENCE AGAINST THE PETITIONER:

9. That at this stage, the evidence against the petitioner is the statement of the complainant as well as the record obtained from the office of Sub-Registrar, Mohali showing Tejinder Kaur impersonating the complainant for registration of the General Power of Attorney of the complainant in presence of the petitioner.”

REASONING:

7. An analysis of the above arguments would lead to the following outcome. It has not been disputed that complainant is the wife of the petitioner. The case is civil in nature and the police has falsely implicated the petitioner and nothing has to be recovered from the petitioner.
8. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.
9. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations, role attributed to petitioner and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-

trial incarceration at this stage. 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. This order shall come into force from the time it is uploaded on this Court's official webpage.

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

11. 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)	

12. This order is subject to the petitioner's complying with the following terms.

13. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

14. 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.

15. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added

section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

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

17. The concerned trial court is authorized to delete, modify, or relax any of the above conditions and shall be competent to do so in accordance with the law.

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

19. 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.

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

(ANOOP CHITKARA)
JUDGE

07.02.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.