



104

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-467-2025
DECIDED ON: 10.01.2025

SURJEET KAUR

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Gurjeet Singh Kaura, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.0837 dated 13.12.2024, under Sections 196, 34, 420, 465 of IPC, 1860 (Sections 467, 468 and 471 of IPC added later on), registered at Police Station Rania, District Sirsa.

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

“The brief facts of the case are that a petition CRM-M 47699 of 2024 containing Annexure- P-11 i.e. complaint of Malkiat Singh son of Amarjit Singh resident of village Nakoda, Tehsil Rania, District Sirsa, after investigation and review was received at the police station from the Deputy Superintendent of Police (Headquarters), Sirsa. It is mentioned in the complaint that the complainant is an ex-serviceman of the Indian Army. A dispute regarding his land is going on in the District Court at Ambala for the last 15-16 years. The title of the case is Surjeet Kaur vs. Bhagwant Singh, in which Bhagwat Singh is defendant no.1 and the

complainant is defendant no.2. Bhagwant Singh is a party in the said case being power of attorney. The case number is Civil Suit (CS) No. 5676 of 2013. Now the appeal of this case is pending. This suit was filed by Surjeet Kaur wife of Gurdev Singh against the complainant and Bhagwant Singh and this case is being pursued by Ajaib Singh son of Surjeet Kaur. Both of them are residents of village Dapper Tehsil Dera Bassi District Mohali. In order to take illegal advantage of this case, both mother and son together and in connivance with the then Moharrir namely Anil Kumar of Police Station Rania District Sirsa filed some RTI applications in 2014, which are as follows: Serial No.202-RTI (27/03/14), 45-RTI (05/03/14), 46-RTI (05/03/14), 72-RTI (06/02/14) and copies of the same were attached with the complaint. In the last paragraph of the reply to these RTIs, a fake record was prepared by mentioning the pendency of FIR No.158/05 against Bhagwant Singh son of Shiv Ram, resident of Rajpura. Copy of this RTI reply, which was prepared illegally, was attached and used as Mark- M and Mark- N in the said civil suit in the Civil Court, at Ambala. No person with name Bhagwant Singh was ever mentioned in the entire police record of FIR No.158/05, PS Rania (Sirsa) during the investigation, nor such name ever mentioned in any court record during the trial. There is no mention of any person by this name even in the final court decision of FIR No. 158/05. Hence, the complainant requested that in the said civil suit pending at Civil Court Ambala, the collusion and relation of complainant and Bhagwant Singh was sought to be shown by showing that both complainant and Bhagwant Singh were accused in FIR no.158/05, PS Rania (Sirsa) and thereby fake record was prepared illegally. The complainant came to know about this RTI record while preparing for the final arguments of the said civil case. This work has been done by Surjeet Kaur and her son Ajaib Singh in order to produce false evidence in the Court and usurp the land of the complainant in collusion with official of the Police Station. The complainant thereby requested that the police officer misused his power and the said document was prepared falsely and in collusion in order to affect the decision of the case. On 23/10/2023, Superintendent of Police heard their complaint and assured action and marked the complaint to DSP Headquarters Jagat Singh Mor for investigation, which was registered as diary number 4828- PC dated 23/10/2023. After a few days, the DSP called them in the office and pressurised them to withdraw the complaint and hush up the matter. The complainant was not heard at all and no action was taken against the culprits. When the said DSP Jagat Singh put pressure on the complainant during the investigation, the complainant sent complaints to Chief Minister and DGP which are registered in SP office Sirsa as 54-HMA dated 29/02/2024 and 36-HM dated 29/01/2024. The said complaint marked for action by DGP and CM, was sent by S.P. Sirsa to DSP Ellenabad for investigating the matter in depth, wherein it was found that some RTI applications were filed by Ajaib Singh son of Surjeet Kaur in

2014 in Police Station Rania regarding FIR No.158/05, in Police Station Rania and in reply to those RTI applications number 202-RTI (27/03/14), 45-RTI (05/03/14), 46-RTI (05/03/14), 72-RTI (06/02/14), wrong information was found being given by mentioning the name of Bhagwant Singh son of Shiv Ram in FIR No.158/05 in Police Station Rania. This fake document was found to have been given by the then Moharrir Anil Kumar no.1065. This fake document was got prepared by Surjeet Kaur and her son Ajaib Singh in connivance with the then Moharrir Anil Kumar in lieu of some consideration to influence the decision of the case and to usurp the land of the complainant. Despite such a thorough investigation and having all the evidences, no action is being taken against these three culprits. The police is pressurizing them to hush up this matter. The complainant further pleaded that he has spent the most valuable time of his life in the Indian Army for the security of this country whereas to usurp his land, some wrong people and officers in connivance with each other have prepared fake record to prove the collusion and relation between the complainant and Bhagwant Singh since before, by showing their names in FIR no. 158/05, PS Rania (Sirsa) and fake records have been prepared illegally. Despite all this, the officials are exerting pressure on the complainant to suppress this matter. Hence, the complainant requested that an FIR may be lodged in this case and strict action be taken against the culprits. An investigation should also be conducted as to what transaction took place between Surjeet Kaur, Ajaib Singh and Moharrar Anil Kumar for preparing fake documents.”

3. **Contention**

On behalf of the petitioner

The learned counsel for the petitioner has relied on the judgment and decree dated 20.09.2023 (Annexure P-4) passed by the Civil Judge, Junior Division, Ambala, in her favor. The judgment does not include any findings regarding Mark-M and Mark-N. Instead, those issues were adjudicated on their merits. It is only after a lapse of 10 years, when the complainant lost the civil suit, the present FIR has been registered, which appears to be an afterthought.

Notice of motion.

On behalf of the State/complainant

Mr. Baljinder Singh Virk, Sr. DAG Haryana, accepts notice on behalf of respondent/State and could not deny the fact that the dispute revolves around

documentary evidence and, therefore, custodial interrogation of the petitioner is not required at this stage.

Mr. Darshan Singh, Advocate has put in appearance on behalf of the complainant, though was not put on notice but seeks dismissal of the present petition on the ground that the complainant has been cheated and those documents were used to demonstrate the relationship between the defendant No.1 & 2, which are not in the police record at all.

4. **Analysis & Decision**

After careful consideration of the submissions, particularly to the fact that this case hinges on documentary evidence, it's clear that the complainant's contentions are irrelevant at this stage in considering the anticipatory bail petition. The petitioner has agreed to cooperate with the investigation, including producing the disputed document when requested by the Investigating Agency. Furthermore, the State's stance is noteworthy, as it acknowledges that the investigation must proceed based on documentary records. The State does not object to anticipatory bail, provided the petitioner collaborates with the investigation and discloses details about the dispute during interrogation.

In the light of above, this Court finds no reason to deny the petitioner the concession of anticipatory bail. Hence the petitioner is directed to be released on anticipatory bail subject to her 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 437, 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.

10.01.2025

Meenu

(SANDEEP MOUDGIL)
JUDGE

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