

2025:PHHC:009710



233 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1898-2025
DECIDED ON: 21.01.2025

SHAKIL AHMED

.....PETITIONER

VERSUS

UT OF CHANDIGARH AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. M.D. Khan, Advocate
for the petitioner.

Mr. Manish Bansal, PP, UT Chandigarh.

SANDEEP MOUDGIL, J

1. **Relief Sought**

The jurisdiction of this Court has been invoked under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in FIR No. 110, dated 23.08.2024, under Sections 318(4), 338, 336(3), 340(2), 3(5) of BNS, registered at Police Station West Sector 11, Chandigarh.

2. **Facts**

The brief facts of the present case, as narrated in the FIR reads as under:-

“At this time, an application number 21- Peshi/DSP/BSP dated 06-08-2024 from Harmandeep Singh son of Baljinder

Singh resident of village Rajindergarh Police Station Badali, Aala Singh District Fatehgarh Sahib for registration of FIR received at police station through post by hand PHG Ajaib Singh number 290, the content of which is that, "To, the Hon'ble D.S.P., Bassi Pathana. Subject: - Application from Harmandeep Singh son of Baljinder Singh resident of village Rajindergarh against Asif Khan son of Late Shaukat Ali, Ruchi Ghosh wife of Asif Khan residents of Rajindergarh, Moulavi Shagil Ahmed son of Mustaq Ali resident of village Tibbi, Police Station Pinjore, Panchkula Haryana for doing marriage by putting forged signatures, in regard to Writ Petition No. CRWP-6460-2024 at Punjab and Haryana High Court. Sir, it is requested that I, Harmandeep Singh son of Baljinder Singh am a resident of village Rajindergarh Police Station Badali Aala Singh District Fatehgarh Sahib, and am a peace loving person. Our village's Asif Khan son of Late Shaukat Ali, Ruchi Ghosh wife of Asif Khan residents of Rajindergarh by doing forged signatures from Moulavi Shaqil Ahmed son of Mustag Ali resident of village Tibbi, Police Station Pinjore, District Panchkula for me and Amandeep Singh son of Shamsher Singh resident of Rajindergarh, after preparing forged marriage certificate of Asif Khan and Ruchi Ghosh sought protection in the Hon'ble Punjab and Haryana High Court Chandigarh in Writ Petition No. CRWP- 6460-2024, in regard to which, we have come to know from the village that, on dated 06.07.2024, all three of the above, by doing the marriage after sitting in an Auto Rickshaw at Nawan Gaon District S.A.S.Nagar Mohali, by putting our signatures on the certificate, have misused the certificate. Neither we have ever participated in this marriage and nor we have any information about this marriage, in regard to which, now we have come to know. By conducting investigation of this entire matter, necessary

action may be taken against above persons and we may be got justice. Yours obediently, Sd/- Harmandeep Singh 6/8/24, Harmandeep Singh son of Baljinder Singh resident of village Rajindergarh, District Fatehgarh Sahib, Mob. No. 62391-66865, That this application was given by applicant Harmandeep Singh above to the Deputy-Superintendent of Police, Circle Bassi Pathana. That the Deputy-Superintendent of Police, Circle Bassi Pathana, by marking this application to the Station House Officer, Police Station, Badali Aala Singh, stated that, "SHO PS BAS to register the case and investigate" Sd/- Mohit Kumar Singla Dy. Supt. of Police Sub. Division Bassi Pathana 6/8/24, That this application is received at police station through No. 264/5C/Police Station Badali Aala Singh Dated 07-08-2024. Police Action: - Today, an application No. 21/Peshi/DSP/BSP dated 06-08-2024 from Harmandeep Singh son of Baljinder Singh resident of Rajindergarh against Asif Khan son of Late Shaukat Ali, Ruchi Ghosh wife of Asif Khan residents of Rajindergarh, Maulavi Shagil Ahmed son of Mustaq Ali resident of Tibbi Police Station Pinjore District Panchkula Haryana regarding doing forged signatures of application and Amandeep Singh son of Shamsher Singh residents of Rajindergarh, by preparing marriage certificate of the marriage of Asif Khan, Ruchi Ghosh, after putting forged signatures on that, in regard to seeking protection in the Hon'ble Punjab & Haryana High Court by filing Writ Petition No. CRWP-6460 of 2024, received at police station through No. 264/5C/Police Station Badali Aala Singh dated 07-08-2024. That after perusing the content of the application, against respondents Asif Khan, Ruchi Ghosh and Maulavi Shagil Ahmed, at first instance, committal of crime u/s 318 (4), 338, 336 (3), 340 (2), 3(5) BNS has been found. That due to Police Station Nawan Gaon District

S.A.S. Nagar, Mohali being the spot, in the above numbered application, by registering Zero F.I.R. dated 07/08/2024 under above offence, may be sent for further investigation to Police Station Nawan Gaon District SAS Nagar (Mohali) and the Station House Officer Police Station Nawan Gaon may be informed through phone call. Information may be given to the officers and Incharge Control Room Fatehgarh Sahib. Sd/-Amardeep Singh Insp., Station House Officer Police Station Badali Aala Singh dated 07-08-2024, within limits: - Police Station Badali Aala Singh time: - 07:10 PM", on which by registering the above FIR under above offence against the above, Asif Khan, Ruchi Ghosh and Maulavi Shaqil Ahmed above, completion of documentation was done. Incharge Control Room is being given information through E-mail. Copies of FIR are being sent in the service of District Magistrate and Senior Officers through post. The case file along with original application with Zero FIR (concerned FIR No. 69) is being sent through post to the police station Nawan Gaon District Mohali. The Station House Officer, Police Station Nawan Gaon District Mohali is being informed through phone. Police proceedings: In this regard a post having 52 pages has been received vide no. 47520/AC-3 12.08.20241 dated 10.08.2024, R-1263 dt. 6104/SDPO Central dated 12.08.2024, zero FIR dated 18.07.2024 u/s 318(4) , 338, 336(3), 340(2), 3(5) BNS, P.S Badli Ala Singh, Distt. Fatehgarg Shab, according to report of police station Naya Gaon Mohali, place of occurrence is found under the jurisdiction of Police station sector-11, Chandigarh and said Zero FIR has been received by W/SSP Mohali, Punjab. Thus, regarding the above said ZERO FIR no . 69, dated 18.07.2024 u/s 318(4) , 338, 336(3), 340(2), 3(5) BNS, P.S Badli Ala Singh, Distt. Fatehgarg Shab, FIR NO. 110, dated 23.08.2024 u/s 318(4), 338, 336(3), 340(2),

3(5) BNS, against Asif Khan son of Shokat Ali, Ruchi Ghosh w/o Ashif Khan, 1/o Village Rajindergarh, P.S Badli Ala Singh, Distt. Fatehgarh Sahib and Moulvi Shakil Ahmed son of Mustaq Ali r/o Vill. Tibbi, P.S Pinjor, Distt. Panchkula (HR) has been lodged and all the documents like zero FIR and all other documents which were annexed with is sending to higher officials and copy of FIR and order of SHO IS handed over to ASI Ashok Kumar 791/CHG for further investigation.”

3. **Submissions**

On behalf of petitioner

It has been contended by learned counsel for the petitioner that initially zero FIR No. 69, dated 07.08.2024 was registered at Police Station Badali Ala Singh, District Fategarh Sahib against Asif Khan, Ruchi Ghosh and Molvi Sakil Ahmed at the instance of Harmandeep Singh. The said zero FIR was later on transferred to Chandigarh and FIR No. 110, dated 23.08.2024, under Sections 318(4), 338, 3336(3), 340(2), 3 (5) of BNS, stands registered at Police Station West Sector 11, Chandigarh against the afore-said three persons.

Additionally, it is asserted that Ruchi Ghosh provided a statement before the Judicial Magistrate in Chandigarh, where she confirmed that she signed the Nikahnama and entered into marriage willingly; however, she stated that she does not recognize who signed as witnesses. The petitioner argues that the complainants—Harmandeep Singh and Amandeep Singh and co-accused Ruchi Ghosh and Asif Khan are acquaintances, all residing in the same locality. The petitioner claims he recited the Nikahnama at the request of co-accused Ruchi Ghosh and

Asif Khan and did not sign for the complainants or any other individuals involved.

Moreover, it is pointed out that the signatures of the complainants as witnesses on the Nikahnama are in English, despite the petitioner being a Maulvi with proficiency only in Urdu and Arabic. The final report was submitted on 18.10.2024; charges are yet to be framed against the petitioner. Further more, the petitioner is already incarcerated and no further evidence needs to be collected from him, it is argued that continuing his detention serves no useful purpose as the investigation is complete and the trial may take considerable time to conclude.

On behalf of respondent-UT Chandigarh

Mr. Manish Bansal, PP, UT Chandigarh appearing on advance notice has filed the custody certificate of the petitioner, which is taken on record. He prays for dismissal of the present petition stating that there are allegations regarding forgery of witnesses over the Nikahnama and the complainant in the present case is Harmandeep Singh (complainant), who is the one of the witnesses in the Nikahnama.

Heard learned counsel for the respective parties.

4. **Analysis**

On perusal of FIR and other relevant documents, it is clear that the allegations of forgery concerning the nikahnama (marriage certificate) revolve around the unauthorized use of signatures and the fabrication of documents. The complainant, Amandeep Singh, has asserted that his name and signature were falsely included on the marriage certificate, despite his non-participation in the marriage ceremony.

Additionally, the nikahnama was prepared with signatures that did not belong to the actual witnesses, which constitutes a significant legal violation.

The accused conspired to create a fraudulent marriage document, enlisting the help of a maulvi (Islamic cleric) who facilitated the registration of the marriage without obtaining proper consent from the witnesses. The involvement of the complainant, Harmandeep Singh, as a witness further strengthens the prosecution's case, as his role adds credibility to the allegations.

At this stage, the only issue for the Court to decide is whether the petitioner is entitled to regular bail. The Court is not addressing the validity of the marriage between the accused, Ruchi Ghosh and Asif Khan, which remains a separate matter. However, the facts presented clearly show that the signatures on the *nikahnama* appear to be forged, and the complainant in this case, Harmandeep Singh, is one of the witnesses who allegedly signed the document.

The respondent-CBI's reply filed in CRWP-6460-2024, where the accused Ruchi Ghosh and Asif Khan sought directions from the Court, does not provide any assistance to the petitioner in this matter.

5. **Conclusion**

In view of the discussions made hereinabove, this Court does not find it a fit case for granting regular bail to the petitioner, at this stage. As such the same is, hereby, dismissed.

However, it is made clear that anything stated hereinabove, shall not be construed as an expression of opinion on the merits of the case.

21.01.2025
sham

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No