



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2696-2025
DECIDED ON:23.01.2025

ASIF KHAN

....PETITIONER

VERSUS

STATE OF UT CHANDIGARH

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Abdul Aziz, Advocate
for the petitioner.

Mr. Manish Bansal, P.P. with
Ms. Diksha Sharma, Advocate for U.T. Chd.

SANDEEP MOUDGIL, J.(ORAL)

1. **Relief sought**

This petition has been filed by the petitioner under Section 483 of BNSS for grant of regular bail in FIR No.110 dated 23.08.2024 under Sections 318(4), 338, 336(3), 340(2) and 3(5) registered at Police Station Sector 11, Chandigarh.

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

“A complaint bearing No.21 Peshi/DSP/BSP dated 06.08.2024 has been received at Police Station through PHG Ajaib Singh from one Harmandeep Singh son of Baljinder Singh, resident of

Village Rajindergarh, Police Station Badali Ala Singh Fatehgarh Sahib with a Dak having No.290 which is as under:-

"To The Hon'ble DSP Sahib Bassi Pathana, Sub: A complaint by Harmandeep Singh son of Baljinder Singh resident of Village Rajindergarh against Aasif Khan son of Late Shokat Ali, Ruchi Ghosh wife of Aasif Khan and Moulvi Shakeel Ahmed son of Mustak Ali, resident of Village Tibbi, Police Station Pinjore, for forging his signature on the marriage certificate for filing a writ petition bearing NO. CRWP No.6460 of 2024 in Hon'ble Punjab and Haryana High Court. Respected Sir, It is requested that I Harmandeep Singh son of Baljinder Singh, resident of Village Rajindergarh, Police Station Badali Ala Singh Fatehgarh Sahib, and peace loving citizen and Aasif Khan son of Late Shokat Ali who was also resident of my village, Ruchi Ghosh wife of Aasif Khan resident of village Rajindergarh and Moulvi Shakeel son of Mustak Ali resident of Village Tibbi, Police Station Pinjore, District Panchkula have forged my signature along with the signatures of Amandeep Singh son of Shamsher Singh resident of Village Rajindergarh and prepared a forged marriage certificate and sought protection from the Punjab and Haryana High Court, Chandigarh by way of CRWP No. 6460 of 2024. We have come to know from the village that on 06.07.2024 all of above mentioned persons have used our forged signatures and forged a false marriage certificate in a auto rickshaw in Naya Gaon District SAS Nagar Mohali. Neither we have attend the marriage nor we have any information regarding the marriage. Now we came to know that therefore, a legal action be taken after an investigation and justice be given to us. Sd/-Harmandeep Singh Dated: 06.08.2024. Harmandeep Singh son of Baljinder Singh, resident of Village Rajindergarh, Fatehgarh Sahib, Mob. No.6239166865. This complaint was given to the DSP Police Circle Bassi Pathana by Harmandeep Singh and further DSP

Circle Bassi Pathana marked the letter to SHO Badali, and further written that SHO Police Station BAS, to register the case and investigation..”

3. **Contention**

On behalf of the 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.

It is submitted on behalf of the petitioner that he has not engaged in any criminal activity. The petitioner and his wife were facing a genuine threat to their safety and, as a result, sought protection from this Hon'ble Court. During the Nikah ceremony, the co-accused, Shakeel Ahmed Moulvi, requested the petitioner to provide the names of two witnesses, which are required for the Nikahnama. In response, the petitioner and his wife provided the names of the complainant and one Amandeep Singh, son of Shamsher Singh, to Moulvi Shakeel Ahmed. The petitioner denies the allegations made in the FIR and asserts that he has not committed any offense as described therein.

It is further submitted that subsequent to the registration of the FIR, the petitioner was repeatedly summoned by the police to appear and cooperate in the investigation. The petitioner appeared before the police, and fully participated in the investigation. Additionally, the petitioner, along with his wife, has provided all relevant documents to the police. In light of the above, learned counsel for the petitioner asserts that no useful purpose would be served by keeping the petitioner behind the bars.

On behalf of respondent-UT Chandigarh

Mr. Munish Bansal, learned Public Prosecutor, appears on behalf of U.T. Chandigarh filed the custody certificate of the petitioner, which is taken on record. He submits that the petitioner, along with his wife Ruchi Ghosh, has actively conspired with each other. It is alleged that Ruchi Ghosh has signed on behalf of two individuals, falsely presenting them as witnesses, and that these signatures are forged. Based on the testimony of the purported witnesses, namely Harmandeep and Amandeep, the present FIR has been lodged, implicating the petitioner and his co-accused, Ruchi Ghosh, along with one Shakeel Ahmed, who is alleged to have acted as the Moulvi during the solemnization of the marriage, which purportedly took place in an auto-rickshaw.

Heard learned counsel for the respective parties.

4. **Analysis**

Considering the gravity and seriousness of the allegations, which, prima facie, suggest that the petitioner, in concert with Ruchi Ghosh, may have attempted to manipulate the marriage certificate by forging the

signatures of two individuals, who themselves are disputing the authenticity of those signatures, this Court is of the opinion that the petitioner is not entitled to the concession of regular bail at this stage. Furthermore, although the challan has been filed, the petitioner has only been in custody for a period of 3 months and 7 days, and the report from the Forensic Science Laboratory (FSL) regarding the comparison of the specimen signatures with the alleged forged signatures is still pending.

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.

(SANDEEP MOUDGIL)
JUDGE

23.01.2025

Sham

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