

CRM-M-5311-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5311-2025
Reserved on: 10.03.2025
Pronounced on: 26.03.2025

Balwinder Singh @ Billu ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vikram Satpal Anand, Advocate
For the petitioner.

Mr. Adesh Pal Singh, AAG, Punjab.

Mr. Vipin Mahajan, Advocate
For the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
02	11.01.2025	Cantt. Ferozepur, Distt. Ferozepur	318(4), 336(2), 336(3), 338, 339, 340(2), 61(2) of BNS 2023

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 13 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That brief facts of the case are that complainant lodged complaint dated 08.11.2024 with the Senior Superintendent of Police, Ferozepur, against Lakhwinder Singh, Daljit Singh and Binder Singh @ Balwinder (present petitioner), alleging therein that he has been working as Notary Public in District Court Complex, Ferozepur for the last about 30 years. On 25.08.2024, complainant came to know from some reliable sources that the above named accused are in possession of heavy quantity of blank papers containing his forged/fake seal and signatures and have been

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misusing the same for preparing affidavits, agreements, rent notes, papers relating to foreign matters etc. Finding the information reliable, on 26.08.2024, complainant along with his son Sahil Kamboj, Advocate and his four friends visited the shops of the accused Lakhwinder Singh and Daljit Singh and found that they were writing on the blank papers containing his forged seal and signatures and were charging Rs.500/- for each document. On being asked said accused flew into rage and disclosed that they had been indulged in this practice for the last about 8-9 years. They further disclosed him (complainant) that these blank papers bearing his seal and signatures were being provided to them by his close person by charging Rs.50/-or Rs.100/- per paper. When the complainant prevented those persons from misusing said papers, they exchanged hot arguments with them and extended threats. During oral scuffle, complainant along with his son succeeded in procuring those blank papers containing his forged seal and signatures from those person. The complainant further alleged in the complaint that he has firm suspicion that the blank papers containing his forged seal and signatures had been provided to said persons by his clerk Balwinder Singh @ Billu (present petitioner) for the last 8-9 years. On enquired in this regard, Balwinder Singh (present petitioner) could not give satisfactory reply. Now he has firm belief that his clerk Balwinder Singh (present petitioner) had been supplying those blank papers bearing his forged seal and signatures to above named accused since long, who had been misusing the same by preparing various writings over the same.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that 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 reply. Complainant's counsel vehemently opposes the bail.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“ROLE OF PETITIONER

8. That so far as the role of the petitioner is concerned, he supplied the blank papers containing forged seal and signatures of complainant to other accused persons for the last 8-9 years.”

REASONING:

7. Allegations against the petitioner are that he being clerk of the complainant has

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misused his stamp and signed on the blank papers for making forged agreements, rent agreements etc.

8. Complainant is an advocate having license of Notary Public, issued by the Government of India, it is not expected from a person who is in legal profession, given blank stamp paper signed to anyone. If anyone is forging that is a matter of evidence. 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 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.

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 Ilqa 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,

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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 may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

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

18. 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.

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

(ANOOP CHITKARA)
JUDGE

26.03.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.