



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

115

CRR-345-2025

Date of decision: 10.02.2025

M/s ABC EZY Pack and others

....Petitioners

V/s

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Kamaldeep Singh Sodhi, Advocate for the petitioner.
Ms. Ruchika Sabherwal, Senior DAG Punjab.
Mr. R.S. Randhawa, Advocate for respondent No.2.

SUMEET GOEL, J. (Oral)

1. Being aggrieved by the order dated 09.01.2025 passed by Judicial Magistrate Ist Class, Jalandhar, the petitioner has approached this Court by way of the instant criminal revision petition whereby FIR has been directed to be lodged against the petitioner on account of furnishing false, fabricated and bogus bail bonds and surety bonds on an application moved by respondent No.2 before the Court below.

2. Shorn of the unnecessary details, the factual matrix of the case in hand shows that the respondent No.2 had instituted four complaints under Section 138 of the Negotiable Instruments Act, 1881 against the petitioner-Firm. Subsequently, a joint compromise was effected between the parties in the Mediation Centre and accordingly the complainant had withdrawn the complaint in question by reserving his right to re-initiate the complaint at the same stage in case of default on the part of the accused. As per the terms of the said compromise, it was mutually agreed between the parties that in the event of the accused failing to honor their commitment for making payments



in installments, the trial Court would have the authority to restore the complaints and recommence the proceedings. However, later on, the petitioner-herein (accused) failed to adhere to the terms and conditions stipulated in the compromise. The cheques issued by the accused in furtherance of the settlement were dishonored upon presentation. Despite making repeated requests to the accused to honor and remit the amount due against the dishonored cheques, the accused unequivocally refused to make the requisite payments thereby violating the terms and conditions of the compromise which forced the complainant-respondent No.2 to seek revival of the original complaint. The learned Court below on the basis of material placed before it, revived the complaint vide order dated 30.08.2023. Thereafter, the complainant respondent No.2-herein had moved an application before the Court below for verification of the surety bonds, property and ID proof/aadhaar card of surety and witnesses furnished by the petitioner-herein(accused). The Court below, after verification of the surety and witness of the accused found that the accused had furnished the false and forged bail bonds and surety bonds by fabrication the documents. Accordingly, the Court below, vide the impugned order, has directed the lodging of the FIR against the accused (petitioners herein) for furnishing the false and fabricated documents as also bogus the bail bonds and surety bonds. Aggrieved, the instant petition has been preferred by the petitioners.

3. Learned counsel for the petitioner has iterated that the impugned order vide which the Court below directed to lodge FIR against the petitioners is contrary to law. It has been submitted by the learned counsel that the Court below has no jurisdiction to even revive the complaint

in question once it is withdrawn on the basis of compromise and surety/bail



bonds stand discharged. Thus, it is submitted that the impugned order is based on conjectures and surmises and hence liable to be set-aside.

4. Learned counsel appearing for the State as well as learned counsel appearing for the respondent No.2-complainant have submitted that from the bare perusal of the documents with the naked eye reveals glaring irregularities making it evident that the accused deliberately misled the Court by furnishing fraudulent surety. According to the learned counsel, the conduct of the accused amounts to blatant act of deception and constitutes a grave abuse of the judicial process. Thus, dismissal of the instant petition is prayed for.

5. I have heard learned counsel for the rival parties and have perused the record with their assistance.

6. As is apparent from a bare perusal of the impugned order, that the learned trial Court, upon receiving the application for verification of surety bonds & bail bonds, summoned & examined the surety-Dilbagh Singh and the witness, Sukhpal Singh. Both individuals appeared before the Court, produced their original documents & under oath categorically denied any associated with the accused. They further affirmed that they had neither stood as surety nor executed any bail bonds on behalf of the accused. After a meticulous examination of the case records and the documents submitted, the concerned trial Court observed that while the documents attached to the bail bond indeed belonged to Dilbagh Singh, the photograph affixed thereto was an individual other than him. This discrepancy led the Court to conclude that there was a clear case of misrepresentation & potential fraud in the execution of the bail bond, warranting further legal scrutiny & necessary

**CRR-345-2025****4**

bond on behalf of accused was furnished by a surety, namely, Dilbagh Singh which was witnessed by one Sukhpal Singh. It is unequivocally deducible from the record that neither of them ever stood surety or witness for the accused. Surety Dilbagh Singh had produced his original identification documents, including his Aadhaar Card, Driving license and PAN card, all of which confirming his identity. However, the photographs affixed on the bail bonds purportedly representing Dilbagh Singh, belongs to an entirely different individual. Furthermore, the photocopy of the Aadhaar Card submitted in support of the surety, allegedly belonged to surety Dilbagh Singh, matches the one attached to the bail bond. Moreover, the Aadhaar card number on the submitted copy consists of only 11 digits whereas authentic Aadhaar card number contains 12 digits which established that the document is forged and fabricated. Besides, the witness Sukhpal Singh when appeared and recorded his statement before the Court below has categorically stated that his identification documents had been misused by someone as he had previously lost them& in proof thereof had produced a copy of the FIR got lodged by him in consequence of having losing the documents.

6.1. The petitioner has invoked the jurisdiction of this Court seeking the quashing of criminal proceedings initiated against the petitioner vide the impugned order. The alleged offence is of grave nature, as it pertains to the commission of fraud upon the Court, striking at the very foundation of the justice system. Such an offence is suppressed at threshold would set a dangerous precedent & undermine the judicial integrity. The legal system mandates that allegations of this magnitude be thoroughly adjudicated to



cause of justice. The act of furnishing false bail bonds and surety bonds constitutes a grave offence that directly undermines the administration of justice and must be dealt with stringently. Such misconduct not only obstructs the fair dispensation of justice but also erodes public confidence in the legal system. It is an affront to the Courts of law and society at large. Any attempt to deceive the judicial process jeopardizes its credibility and necessitates strict legal consequences to uphold the rule of law and prevent of erosion judicial integrity and public trust.

7. In view of the facts as enumerated hereinabove, it cannot be said at this stage that the accused has not furnished false, fabricated and forged bail and surety bonds by impersonating individuals. Both Dilbagh Singh and witness Sukhpal Singh have categorically denied furnishing any bail or surety bonds on behalf of the accused. The said order, in the considered opinion of this Court, tends to have the matter investigated into by the Police and does not call for any interference at this stage. Accordingly, the instant petition is bereft of merits and the same is hereby dismissed.

8. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

February 10, 2025
Ajay

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