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253 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15782-2025
Date of Decision: 08.04.2025

Benjamin George Parke ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Nitin Narula, Advocate
for the petitioner.

Mr. Rahul Jindal, A.A.G., Punjab.

Mr. Hasrat Brar, Advocate for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0378	06.10.2024	City Ferozepur, District Ferozepur	420, 465, 467, 468, 471, 474, 120-B IPC

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

“4. That brief facts of the case are that initially complaint dated 12.05.2024 was filed by Secretary of Church of North India (C.N.I.Church) Ferozepur before the Senior Superintendent of Police, Ferozepur against Jarden Masih alias Jordan Masih S/o Sadiq Masih, R/o House no.2213-B-XXI-6, CNI Mission Compound, Suffian Bhag Road, Ludhiana and other unknown persons for cheating and for misappropriating the PAN card. It was further prayed in the said complaint that the matter be investigated thoroughly in association with Income Tax Department, so as to unearth the entire issue, as to which land had been sold, where it was situated and in which bank accounts the sale proceeds has been transferred and that who are the real beneficiaries of the sale proceeds and who are the purchasers of



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the said land. The said complaint ultimately leads to the filing of CRM-M-29071 of 2024 titled as "CNI Church Ferozepur V/s State of Punjab and others" before this Hon'ble Court, in which this Hon'ble Court was pleased to pass the Order dated 31.05.2024, vide which the petition was disposed of with a direction to the authorities to look into the complaints dated 12.05.2024 (Annexure P-9 and P-10) in accordance with law.

5. That thereafter the allegations of the complaint dated 12.05.2024 were enquired into by Superintendent of Police (Investigation), Ferozepur as per the directions of Senior Superintendent of Police, Ferozepur.

6. That during the enquiry of the complaint of Jit Sarver complainant, it was found that Church of North India (C.N.I.Church) Ferozepur was being run by a committee consisting of a Chairman, Secretary, Cashier etc. A meeting of the said committee was held on 10.07.2017 in which after consultation with income tax advisor, it was decided to apply for PAN card of the Church for the purpose of operating the bank account of the concerned Church. So as per the resolution dated 10.07.2017, PAN card was applied and prepared during tenure of Ram Lal (who was Chairman) and Benjamin George Parke (present petitioner), who was secretary and as such these two officials were instrumental in preparing the Pan Card. As per the resolution of the committee, the Pan Card was required to be prepared in the name of Church of North India, but these persons got the PAN Card prepared in the name of United Church of Northern India Trust Association. Thereafter in the meeting of the committee dated 29.06.2019, it was decided that Secretary and Cashier would get corrected the mistake in preparation of the Pan Card, electric meter and gas connection. But due to Corona pandemic period this decision was not implemented. PAN No. AAGAT3184M was never used by the Church for any bank or other financial transaction. Thereafter on 27.02.2024, a notice was received from Income Tax Department that by using Pan Card No AAGAT31844M of United Church of Northern India Trust Association, Jarden Masih has sold immovable property worth Rs.2,10,15,000/-, but the sale deed was executed for Rs. 1,10,60,000/- and stamp duty paid was less and Income tax return for year 2020-2021 was not filed and as such Income Tax Department had sought explanation in this regard. It is pertinent to mention here that the PAN card of United Church of Northern India Trust Association was misused for selling the immovable property situated in Saharanpur (UP) as the real name of Trust is Church of North India Trust Association, but the petitioner in connivance with other co-accused committed the offence by using name as United Church of Northern India Trust Association."

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. He further seeks bail on the grounds of parity with co-accused who has been granted bail by this Court vide Annexure P-3.



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5. The State’s counsel opposes bail and refers to the status report.
6. It would be appropriate to refer to the following portion of status report which reads as follows:

“The role of the petitioner.

The petitioner has played an active role in preparing the forged PAN card as per the investigation.”

7. FIR was registered against three accused and one accused namely Ram Lal has already been granted benefit of anticipatory bail vide order dated 28.02.2025 passed in CRM-M No.55104 of 2024, as such, petitioner is also entitled to similar relief. 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.
8. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations, co-accused already granted bail 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. This order shall come into force from the time it is uploaded on this Court's official webpage.
9. 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 Ilaqa 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.
10. 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)	

11. This order is subject to the petitioner’s complying with the following terms.



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12. 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, inhuman treatment, etc.

13. 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.

14. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

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

16. 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.

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

(ANOOP CHITKARA)
JUDGE

08.04.2025

Jyoti Sharma

Whether speaking/reasoned: Yes

Whether reportable: No.