



CRM-M-16688-2025

107 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16688-2025
Date of Decision: 26.03.2025

Jogender Singh ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sandeep Siwach, Advocate
for the petitioner.

Ms. Trishanjali Sharma, D.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
566	10.11.2023	City Bhiwani, District Bhiwani	120-B, 201, 420, 467, 468, 471 IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. In paragraph 22 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from order rejecting bail by the Additional Sessions Judge, which reads as follows:

“Brief facts of the case are that on complainant Kiran moved a written complaint alleging therein that one Mahender Kumar son of Wasdev Arya, resident of H. No. 217, Housing Board Colony, Bhiwani was owner of a plot measuring 1835q. Yards, he executed an agreement for sale with her father in a sum of 38,500/- on 18.07.1994. Her father took the possession and constructed a house. An electricity connection no. DDG-1899 is installed in the name of her father. Her two brothers including petitioner used to harass, humiliate and gave beatings to her father. Her father disowned them on 26.12.2006. After the death of her father, complainant and her sister namely Roshni Devi became owners in possession in equal share of the said plot and her brothers have no concern with the plot in question. The complainant and her sister had filed a civil suit for getting the sale deed of abovesaid house in their favour, which was



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decreed on 25.01.2019. The execution of said decree is pendin in the Courts at Bhiwani. The petitioner in connivance with each other and in order to through out the complainant and her sister from the said house, prepared a fake affidavit of Rajender and fake assessment in order to transfer the electricity meter in his name. Whereas the record of assessment No. H/872 of the abovesaid house is not recorded in the municipal committee. Petitioner has no concern or connection with the electricity meter. After transferring the electricity meter, petitioner cut down the electricity wire of complainant. Petitioner is serving in electricity department on D.C. rate and everything was manipulated by him at his own will and wish. Her brother Rajender told that petitioner and Ramesh get his signature while he was in drunkard condition. The complainant has also moved an application against the accused at CM window, Bhiwani on 20.11.2020 but no action was taken. After that, she moved another application dated 04.02.2021 before Chairman Municipal Committee, Bhiwani. As per the reply received from the office of hairman Municipal Committee, Bhiwani it is stated that assessment no H/872 is not recorded in the record of committee. After that complainant gave a copy of reply no. 5368/TS dated 08.02.2021 to the electricity Department, thereafter, electricity Board against transferred the connection in record, in the name complainant's father. The copy of the same was obtained by the complainant under RTI Act. It was clearly stated in the information received under RTI that as per the complaint of complainant, copy of assessment provided by petitioner for transferring meter in his name was again verified from the office of Municipal committee and it was found to be incorrect. The complainant has moved a complaint before the Illqua Magistrate, Bhiwani and along with complaint an application under Section 156(3) Cr. P.C. was also moved. The learned Judicial Magistrate 1 Class, Bhiwani vide its order dated 30.10.2023, has directed the concerned SHO to register a FIR against accused persons and investigat the matter.”

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.
6. Allegations against the petitioner are that he got transferred the electricity meter in his name by preparing fake affidavit of Rajender. The dispute is between siblings and is civil in nature and has been given colour of criminal litigation.
7. 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.



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8. 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. 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 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.

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.

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



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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

26.03.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.