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also identified the wrong persons who furnished surety bonds of these accused persons in this case.

3. *That the Complainant Gursewak Singh has made enquiry and came to know that the accused have produced forged and fabricated surety and witnesses in the Ld. Trial Court and furnished forged and fabricated bail bonds and surety bonds of the accused. Then the complainant Gursewak Singh has filed one Criminal Complaint u/s 156(3) Cr.P.C. in the Court of Ld. SDJM, Jagraon with the prayer that the SHO PS City, Jagraon may be directed to register FIR against the accused and other persons who impersonated other persons and also produce forged and fabricated documents of the accused at the time of furnishing bail bonds and surety bonds. This application was allowed by the Ld. SDJM Jagraon vide order dated 07-07-2022 and directed the SHO to register FIR against accused persons namely Harpreet Singh @ Dimple, Sukhdeep Kaur, Kartar Singh, Jagtar Singh @ Taari, Ranjit Singh u/s petitioner Paramjit Kaur and Ranjit Singh u/s 420/467/468/471/120B IPC. In compliance of these orders FIR No. 120 dated 14-07-2022 u/s 420/467/468/471/120B was registered in PS City Jagraon against petitioner Paramjit Kaur and accused Harpreet Singh Dimple, Sukhdeep Kaur, Kartar Singh, Jagtar Singh @ Taari and Ranjit Singh.”*

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 petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. The State's counsel opposes bail and referred to reply.

7. It would be appropriate to extract the following portion of reply which reads as follows:

“5. That the petitioner has committed the offence of this case. She appeared in the Court becoming as Satwant Kaur wife of Sukhdeep Singh r/o village Leela Megh Singh and identified wrong person who stood surety to the accused. She also produced forged documents. So the documents are required to be recovered from the petitioner. Enquiries are also to be made to know the real names and address of the sureties. The petitioner has committed fraud with the Court. The petitioner does not deserve the concession of anticipatory bail. Custodial interrogation of the petitioner is required to the IO. In these circumstances it is respectfully prayed that the present petition may kindly be dismissed in the interest of justice.”

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8. Given the nature of allegation, role attributed to petitioner who is a woman, no case for custodial interrogation is made out. 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, petitioner being a woman and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order. 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, inhuman treatment, etc.



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14. 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.

15. 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.

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

17. 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.

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

(ANOOP CHITKARA)
JUDGE

26.08.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.