

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45137-2025
Reserved on: 09.09.2025
Pronounced on: 12.09.2025

Nahar Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. B.S. Bhalla, Advocate
for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

Mr. Arshdeep Singh Brar, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
135	22.07.2025	Kot Ise Khan, Distt. Moga	318(4), 336(2), 336(3), 340 of BNS

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. As per paragraph 15 of the bail petition, the petitioner has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“3. That brief facts of the case are that complainant moved an application before the Senior Superintendent of Police, Moga with the allegations that he is president of Guru Kirpa Sant Sewa Samiti Rani Wali Gali, Bhapatwala, Haridwar and said Sewa Samiti is running the Om Murari Ashram, Rani Wali, Bhapatwala. Petitioner Nahar Singh son of Ajaib Singh resident of Rani Gali, Bhapatwala got registered a false case bearing FIR No.140/2025 under SC/ST Act, Police Statin Haridwar and trial of the same is pending before the Hon'ble High Court, Nainital. Said Nahar Singh is not belongs to SC cast, infact he belongs to Backward Class. During trial of the case, father of Nahar Singh namely Ajaib Singh had submitted his caste certificate of Backward Class before the Hon'ble High Court and said certificate belongs to Moga District and Hon'ble High Court has directed said Nahar Singh and all the SSPs of Haridwar to submit their affidavits that how it is

possible that if father belongs to Backward Class, his children can belong to Schedule Caste. Complainant further stated that petitioner had got issued said caste certificate from the Sub Tehsil Kot Ise Khan, on the basis of forged documents, whereas said Nahar Singh neither resident of Punjab State nor he belongs to Schedule Caste.

4. That on the basis of said application, enquiry was conducted by deponent and during enquiry it is found that petitioner moved an application before the office of Naib Tehsildar Dharamkot for issuing the Schedule Caste certificate and with said application of the petitioner was recommended by Sumit Kumar @ Bittu Malhotra, Municipal Councilor, Kot Ise Khan, District Moga. After completion of the enquiry and obtaining legal opinion, instant case has been registered against the petitioner.”

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 his 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 counsel for the complainant opposes bail.

7. The State's counsel opposes bail and refers to the reply.

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

“7.B The evidence of the petitioner: There is sufficient evidence on the file i.e. copy of application and other documents containing photographs of petitioner, submitted by the petitioner before Naib Tehsildar, Kot Ise Khan, for issuance of said certificate.

C. The role of the petitioner: Petitioner got issued Schedule Caste Certificate from the office of Naib Tehsildar, Kot Ise Khan, on the basis of false affidavit.”

REASONING:

9. The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime, and presumption of innocence in favour of the alleged criminal.¹ Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the

¹ Supreme Court of India in Vaman Narain Ghiya v. state of Rajasthan, [E-SCR] ; [2008] 17 SCR 369, Para 16, decided on 12.12.2008.

case.² Personal liberty deprived when bail is refused, is too precious a value of our constitutional system recognised under Art. 21 that the curial power to negate it is a great trust exercisable, not casually, but judicially with lively concern for the cost to the individual and the community.³

10. Allegations against the petitioner are that he got issued caste certificate of scheduled caste based on false affidavit, however, he did not relate to the schedule caste and based on such certificate, he also lodged complaint against complainant for the offence under Section SC/ST Act.

11. 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.

12. 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.

13. 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.

14. 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)	

15. This order is subject to the petitioner's complying with the following terms.

16. 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

² Supreme Court of India in Siddharam Satlingappa Mhetre v. State of Maharashtra, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

³ Supreme Court of India in Babu Singh & ors v. State of UP, [E-SCR] P. 777, decided on 31.01.1978.

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.

17. 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.

18. 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.

19. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

20. This bail is conditional, with the foundational condition being 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 shall 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 as per their discretion, they may cancel this bail.

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

22. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Appellant-Accused 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.

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

(ANOOP CHITKARA)
JUDGE

12.09.2025

Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.