

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

288

CRM-M-45179-2025

Date of Decision : 24.09.2025

JANG BAHADUR @ JANGBAHADUR SINGH

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Ritesh Pandey, Advocate
for the petitioner.

Mr. Gautam Thapar, Sr. DAG, Punjab.

AARADHNA SAWHNEY, J. (ORAL)

1. This petition for grant of anticipatory bail under Section 482 BNSS, has been filed by petitioner, an accused in case bearing FIR No.125 dated 13.06.2025, registered against him at Police Station Jandiala, District Amritsar Rural, for the commission of offences punishable u/s 465, 466, 468, 471 IPC.
2. Relevant facts as can be inferred from the documents on record are noticed hereinbelow:-

Criminal proceedings in the present case were initiated against the petitioner on the ground that while having remained posted at Police Station Jandiala (Amritsar Rural), he recommended for release of convict, namely, Daljit Singh on 'Parole', who was undergoing imprisonment of 20 years, in case bearing FIR No. 184 dated 21.12.2015, under Sections 302, 449, 380, 341, 120-B IPC at Police Station Jandiala Guru. Allegations against petitioner are that he without bringing it to the knowledge of SHO Upkar Singh, attested an application



and forged signature of SHO Upkar Singh. When the relevant documents were sent to the office of Superintendent Jails, Jandiala, an objection was raised. SHO Upkar Singh, when confronted, denied having signed the said application, thereafter, the matter was thoroughly enquired and a formal case vide FIR No.125 dated 13.06.2025, u/s 465, 466, 468, 471 IPC was registered against the present petitioner.

3. Apprehending his arrest, present petitioner had moved an application for grant of pre-arrest bail. The same was dismissed by the learned Additional Sessions Judge, Amritsar, in terms of order dated 06.08.2025. Aggrieved of the said order, the present petition has been filed.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. The fact that FIR was lodged almost 05 years after the alleged commission of offence is indicative of false implication of the petitioner, who has simply been made scapegoat due to official rivalry. Further as per learned counsel, even the FSL report dated 30.01.2024, does not support the case of the prosecution, for no opinion has been expressed that the signature of the petitioner match with the signature on the relevant file/document, vide which convict - Daljit had applied for releasing him on parole. Learned counsel next submits that the present case is based on documentary evidence, for which custodial interrogation of the petitioner is not needed, as nothing is to be recovered from him. Being an honest hard working, dedicated police official, deserves to be protected by law in this frivolous case framed against him, by extending him the concession of pre-arrest bail. Moreso, when petitioner is ready and willing to join the investigation as and when called for by the Investigating Officer. With these submissions, learned counsel prays for allowing the present petition.

5. Status Report dated 21.09.2025 by way of affidavit of Inspector



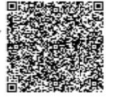
Mukhtiar Singh, Station House Officer, Police Station Jandiala, Amritsar (Rural), has been filed on behalf of the respondent-State, which is taken on record. Learned State counsel has opposed the prayer for grant of anticipatory bail on the ground that petitioner has been specifically named in the FIR and his role has also been highlighted. The manner in which the offence was committed, clearly depicts that the petitioner, who at the relevant time was posted as MHC of Police Station Jandiala, Amritsar (Rural) and each of such files were routed through him, instead of putting the application of parole of convict-Diljit Singh @ Sulakhan Singh before the SHO Upkar Singh, he (petitioner) recommended the same and forged his (SHO's) signatures. Sensing some foul play, SP confronted SHO, who himself was surprised and denied having recommended the release of life convict on Parole. Learned State counsel further submits that conclusion of detailed enquiry took four years, hence the delay in lodging the FIR, which stands explained, as also that at this stage, the case of prosecution cannot be viewed with suspicion only on this count.

Learned State counsel prays that in the light of the role played by the petitioner, his custodial interrogation is required to find out as to who all are involved in this Racket, as also the other intricacies of the case. With these submissions, he prays for dismissal of the present petition.

6. I have heard learned counsel for the parties and perused the documents available on record.

Before expressing any opinion on the submissions raised by learned counsel of the parties, it would be appropriate to refer to certain judgments of Hon'ble Supreme Court, wherein the factors to be kept in mind while dealing with an application for grant of anticipatory bail, have been discussed.

Hon'ble the Supreme Court in "*P. Chidambaram vs. Directorate of Enforcement, ((2020) 13 SCC 791)*", has observed as under:-



“67. Ordinarily, arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. Power under Section 438 Cr.P.C 1973 is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after application of mind as to the nature and gravity of the accusation; possibility of applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail. Grant of anticipatory bail to some extent interferes in the sphere of investigation of an offence and hence, the court must be circumspect while exercising such power for grant of anticipatory bail. Anticipatory bail is not to be granted as a matter of rule and it has to be granted only when the court is convinced that exceptional circumstances exist to resort to that extraordinary remedy.”

Hon’ble the Supreme Court while deciding the case titled as “**Ms. X Vs. The State of Maharashtra and another**”, (2023 SCC Online SC 279) held as under:-

“11.1. We propose to take a quick look at the considerations that ought to govern grant of anticipatory bail. There are a line of decisions of this court that have underscored the fact that while deciding an application for bail, the court ought to refrain from undertaking a detailed analysis of the evidence, the focus being on the prima facie issues including consideration of some reasonable grounds that would go to show if the accused has committed the offence or those facts that would reflect on the seriousness of the offence. The self-imposed restraint on delving deep into the analysis of the evidence at that stage is for valid reasons, namely, to prevent any prejudice to the case set up by the prosecution or the defence likely to be taken by the accused and to keep all aspects of the matter open till the trial is concluded.



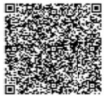
12. *In Prasanta Kumar Sarkar's case (supra) (Prasanta Kumar Sarkar Vs. Ashish Chatterjee and another), a Division Bench of this Court had highlighted the factors that ought to be borne in mind while considering the anticipatory bail application and had stated that :-*

"9. We are of the opinion that the impugned order is clearly unsustainable. It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:

- (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;*
- (ii) nature and gravity of the accusation;*
- (iii) severity of the punishment in the event of conviction;*
- (iv) danger of the accused absconding or fleeing, if released on bail;*
- (v) character, behaviour, means, position and standing of the accused;*
- (vi) likelihood of the offence being repeated;*
- (vii) reasonable apprehension of the witnesses being influenced; and*
- (viii) danger, of course, of justice being thwarted by grant of bail."*

Reverting back to the facts of the case in hand, a perusal of the FSL report dated 30.01.2024 reveals that the disputed/questioned signatures on the documents were compared with admitted signatures of Jang Bahadur (present petitioner) and specimen signature of Jang Bahadur executed in the name of SHO Upkar Singh. As per handwriting expert, they (disputed signature) did not match with either the admitted signature of petitioner or his specimen signature.

Para 5 of Status Report highlights the duties of the MHC. Bare perusal thereof, leaves no doubt that petitioner was custodian of the file in question, the same was routed through him in the regular course of official



business. In the light of the assigned duties of the petitioner, non-matching of signatures is not sufficient at this stage to prove his innocence. The said report cannot be treated as conclusive evidence in his favour. Further for the sake of arguments, even if it is presumed that **Jang Bahadur (petitioner)** did not himself sign the documents, it is his responsibility to clarify or explain as to how the forged/disputed signature came to appear on the document in question, which if had gone unchecked would have resulted in release of life convict on Parole.

It is settled that the relief of anticipatory bail is to be granted only if petitioner/accused is able to make out the case of exceptional depravity/hardship in his favour.

In view of the reasons recorded hereinabove, the Court is of the opinion that petitioner, has not been able to make out the case of exceptional depravity/hardship in his favour, entitling for the grant of this extra ordinary relief of pre-arrest bail.

Accordingly, the present petition stands dismissed.

(AARADHNA SAWHNEY)
JUDGE

24.09.2025
Nisha Yadav

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>