

CRM-M-55104-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55104-2024
Reserved on: 04.02.2025
Pronounced on: 28.02.2025

Ram Lal ...Petitioner

Versus

State of Punjab and another ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Yogesh Goel, Advocate
Mr. Simrandeep Singh, Advocate and
Ms. Kritika Singh, Advocate
for the petitioner.

Mr. Sukhdev Singh, AAG, Punjab.

Mr. Hasrat Brar, Advocate (Through VC)
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, 120B 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 19 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That brief facts of the case are that initially complaint dated 12.05.2024 was filed by respondent no.2 being Secretary of Church of North India (C.N.I.Church) Ferozepur before the Senior Superintendent of Police, Ferozepur against Jordan Masih alias Jordan Masih Slo Sadiq Masih, R/o House no.2213-B-XXI-6, CNI Mission Compound, Suffian Bhag Road, Ludhian 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

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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 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 petitioner 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."

4. The petitioner's counsel argued that on 10.07.2017 Pastor Committee consisting of Presbyterian Incharge/ Pastor, Secretary & Treasurer of CNI Church, Ferozepur, in its Meeting held on 10.07.2017 decided to apply for PAN Card of said church and Rev. Sarwan Masih was Chairman/ Presbyterian Incharge whereas Mr. Benjamin George Park was Secretary of said church. On 14.08.2017, The petitioner was transferred to CNI, Ferozepur City from CNI, Lalto Kalan vide Letter dated 21.07.2017 w.e.f. 14.08.2017. On 29.06.2019, during tenure of petitioner as Pastor/ Presbyterian Incharge of CNI Church, Ferozepur, it came to notice that alleged PAN Card has been wrongly issued in the name of 'The United Church of Northern India' and vide Meeting dated 29.06.2019, it was decided that PAN Card, Electricity Meter and Gas Connection be corrected by then Secretary i.e. Pardeep Chauhan and Treasurer i.e. Victor Dayal of CNI, Ferozepur. On 15.07.2019, the petitioner was transferred to Kavalary Church, CNI, Ludhiana from CNI, Ferozepur w.e.f. 15.07.2019 vide letter dated 13.07.2019. On 02.01.2022, the petitioner worked at different places and ultimately retired from his services on 02.01.2022 from Kavalary Church, CNI, Ludhiana without any adverse report during his entire period of service with Church of North India.

5. Petitioner's counsel further prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

6. The State's counsel opposes bail and refers to the reply dated 26.11.2024 which reads as follows:-

"That so far as the role of the petitioner is concerned, he was the Chairman of CNI, Church, situated at Udham Singh Chowk, Ferozepur City and he was instrumental in getting PAN Card No. AAGAT3184M, which was to be prepared in the name of Church of North India Trust Association, but the petitioner in connivance with other co-accused got it

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prepared in the name of United Church of Northern India Trust Association and thereafter, the said PAN card was misused for sale of land in Saharanpur by co-accused Jarden Masih, despite the fact that a resolution was passed for getting the said PAN Card corrected in the name of Church of North India Trust Association. As such, there are clear allegations that petitioner in connivance with other co-accused has misused the PAN card No. AAGAT3184M. Thus for thorough probe in the matter, the custodial interrogation of the petitioner is most needed in this case.”

7. Counsel for the complainant opposes the bail on the grounds that petitioner was fully aware and as such he is not entitled to anticipatory bail.

REASONING:

8. Petitioner was the chairman of CNI Church and got a PAN card in connivance with co-accused in the name of Church of Northern India Trust Association. The said PAN card was used for the sale of land in Saharanpur and the amount was massive. It was alleged that real consideration was Rs.2,10,15,000/- but the sale deed was executed for a sum of Rs.1,10,60,000/-. As the investigation also points out that PAN card was applied during the tenure of the petitioner, who was the chairman at that time and Benjamin George was the Secretary

9. An analysis of arguments and counter arguments point out that although the petitioner was aware about misuse of card but PAN card was misused outside the jurisdiction that is in Saharanpur by co-accused/Jarden Masih @ Jordan Masih. Thus, given above despite the knowledge and awareness about intentionally obtaining a wrong pan card, it is not a case to subject the petitioner neither for custodial interrogation nor for pre-trial incarceration.

10. 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.

11. Given the above, the penal provisions invoked coupled with the primafacie 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, 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.

12. 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

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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.

13. 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)	

14. 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.

15. 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.

16. 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.

17. 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.

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18. The concerned trial court is authorized to delete, modify, or relax any of the above conditions and shall be competent to do so in accordance with the law.

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

20. 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.

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

(ANOOP CHITKARA)
JUDGE

28.02.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.