



**108 THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.52558 of 2025
Date of Decision: 17.09.2025**

Surinder Kumar

..... Petitioner

Versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Karanjeet Singh Brar, Advocate
for the petitioner.

Mr. J.S. Arora, D.A.G., Punjab.

RAJESH BHARDWAJ, J.

1. Present petition has been filed praying for the grant of anticipatory bail to the petitioner in case bearing FIR No.0190, dated 07.08.2025, under Sections 318(4), 229(2) of BNS, 2023 registered at Police Station City 1 Abohar, District Fazilka.

2. Succinctly the facts of the case are that the FIR was registered on the order of the Court as the offence alleged had taken place during the proceedings in the Court of Sh. Sukhmandeep Singh, Judicial Magistrate First Class, Abohar. Sukhchain Singh had furnished an affidavit that his property is fraudulently furnished as surety by some other persons. The notice was issued. Surinder Kumar (petitioner) initially came present and stated that he would produce the surety and other identifier on the next date. However, on the next date, Surinder Kumar did not appear. The Court found from the statement of Hardeep Singh and Rakinderpal Singh, Members Panchayat of Village Karam



Patti, that Sukhchain Singh had wrongly furnished the property by fraud and misrepresentation. Surinder Kumar was found to have abetted the illegal act. The accused found to have committed the offence by falsely furnishing the surety upon the property of Sukhchain Singh. Thus, the FIR was registered and investigation commenced. Apprehending his arrest, the petitioner approached the Court of learned Additional Sessions Judge, Fazilka praying for the grant of anticipatory bail. However, after hearing both the sides, finding no merit in the same, the learned Additional Sessions Judge, Fazilka dismissed the petition filed by the petitioner vide his order dated 10.09.2025. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of anticipatory bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that as per the allegations made, the petitioner had allegedly identified one Sukhchain Singh who gave the surety while furnishing the bail bonds of one Sonu Kamboj in case of ***'HDFC Bank Vs. Sonu Kamboj'***. He submits that Sukhchain Singh who furnished the affidavit was resident of Village Ratta Tibba but he furnished the property of one another Sukhchain Singh resident of Village Karam Patti thus, the petitioner never committed any fraud, as alleged. It is submitted that he had only identified Sukhchain Singh S/o Avtar Singh. He thus, submits that it was only Sukhchain Singh S/o Avtar Singh who gave the surety and the other identifier Juj Singh also identified Sukhchain Singh. It is



submitted that no offence as alleged is made against the petitioner and thus, submit that in the facts and circumstances, there being no *prima facie* case made against the petitioner, he deserves to be granted anticipatory bail.

4. Learned State counsel had opposed the submission made by counsel for the petitioner and has submitted that the petitioner along with co-accused had committed the offence during the proceedings of the trial. He has submitted that the allegations made against the petitioner are serious in nature. He has thus submitted that the case is under investigation and thus custodial interrogation of the petitioner is essential. He has submitted that no case for the grant of anticipatory bail to the petitioner is made out and thus the present petition being devoid of merit deserves to be dismissed.

5. On hearing of the counsel for the parties and perusing the record, it is deciphered that the petitioner has identified one Sukchain Singh S/o Avtar Singh, who had appeared in the Court being a fake surety. He also produced forged and fabricated documents in the shape of *Jamabandis*. Admittedly, as per the allegations the petitioner along with co-accused had *prima facie* committed the offence during the Court proceedings.

6. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) BNSS which reads as under:-



“Direction for grant of bail to person apprehending arrest:

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*
 - (i) *a condition that the person shall make himself available for interrogation by a police officer as and when required;*
 - (ii) *a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
 - (iii) *a condition that the person shall not leave India without the previous permission of the Court;*
 - (iv) *such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.”*

7. As per the law settled by the Hon'ble Supreme Court, in ***Gurbaksh Singh Sibbia Vs. State of Punjab***, AIR 1980 SC 1632, while granting anticipatory bail, the Court is to maintain a balance between the individual liberty and the interest of society. However, the interest of the society would always prevail upon the right of personal liberty. The relevant part of the judgment is as follows:-

- “31. *In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested,*



a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the state" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed out in State v. Captain Jagjit Singh (1962) 3 SCR 622, which, though, was a case under the old Section 498 which corresponds to the present Section 439 of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for the survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the



acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail.”

8. The Hon'ble Supreme Court in ***State Vs. Anil Sharma***, (1997) 7SCC 187, held as under:-

“6. *We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under Section 438 of the Code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”*

9. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been prima facie found. Allegations made against the petitioner are serious in nature. Needless to say, the investigation is at the initial stage and in the facts



and circumstances, custodial interrogation of the petitioner would be essential and granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

10. In view of the overall facts and circumstances of the case, the petitioner does not qualify for the grant of anticipatory bail and the same is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

17.09.2025
ps-I

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No