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

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Date of decision: 03.11.2025

Kulwant Singh

...Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. G.S. Randhawa, Advocate for the petitioner
(through Video Conference).

Mr. Amit Goyal, Additional Advocate General, Punjab.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail to the petitioner in case bearing FIR No.81 dated 12.09.2025, registered for the offences punishable under Section 420 of IPC at Police Station Bhaini Mian Khan, District Gurdaspur.

2. The gravamen of the FIR in question pertains to misuse of matriculation certificate of the complainant namely, Kulwant Singh, son of Nishan Singh, a resident of Village Bholeke, Tehsil Batala, District Gurdaspur (Punjab). He alleged that the petitioner whose name is also Kulwant Singh, son of Han Singh, resident of Village Paswal, Post Office Mullanwal, District Gurdaspur had used his 10th class certificate and personal details to obtain passport No. S823312 fraudulently. It was alleged that the petitioner took the advantage of having the same name as the complainant and somehow obtained his 10th Class certificate. Thereafter, the

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name. As the complainant came to know about this, he inquired from his school i.e. Senior Secondary School, Rama Talwandi and also verified with the Punjab School Education Board, Sahibzada Ajit Singh Nagar (Mohali). Thereafter, the complainant informed the Passport Office in Amritsar which advised him to report this matter to the police. On these set of allegation, the instant FIR came to be registered and investigation ensued.

3. Learned counsel for the petitioner has iterated that the allegations contained in the impugned FIR are vague, baseless and devoid of any substantive material. Learned counsel has further iterated that the petitioner is innocent and has been falsely implicated into the present FIR due to mistaken identity. Learned counsel has further contended that the petitioner has no concern whatsoever with the complainant who happens to bear the same name. It has been further argued that although both the petitioner and the complainant have the same roll number in the 10th class examination, the serial numbers of their certificates are different — that of the petitioner being 7U116670 while that of the complainant is 9T7U120416 which clearly depicts that both the certificates have been separately issued by the Punjab School Education Board and the duplication of Roll numbers appears to be a clerical error on the part of the Board. Learned counsel has further submitted that the matriculation certificate of the petitioner has been verified multiple times by the competent authorities during his service in the Indian Army and subsequently in the Revenue Department, where presently the petitioner serves as a Patwari. Learned counsel has emphasized that the passport of the petitioner has been issued in the year 2005 and the same was renewed in the year 2018 after due



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verification and at no point any objection or irregularity has been raised by the Passport Office. It has been further contended that the entire case is documentary in nature and all relevant records are already in the possession of the investigating agency. It has been emphatically argued by learned counsel that the petitioner has never fabricated, forged or prepared any document(s) as alleged. The entire narrative in the FIR is concocted with the sole objective of pressurizing the petitioner. According to learned counsel, in the absence of substantive and convincing material, the entire prosecution narrative is nothing but an abuse of process. It has been further submitted that the petitioner, being a permanent resident and government employee may be granted the concession of anticipatory bail and there is no likelihood of the petitioner absconding from the process of justice in case he is enlarged on pre-arrest bail. On strength of these submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel (on the strength of advance notice) has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. According to learned counsel, the allegations are grave and serious involving fraudulent use of educational certificate of another person to obtain a passport. The FIR specifically names the petitioner and discloses a *prima facie* case of cheating and forgery. Learned State counsel has submitted that the matter requires thorough custodial interrogation to unearth how the petitioner obtained the educational documents of the complainant, who facilitated such act and whether any official(s) were involved in issuance or verification. Furthermore, the authenticity of the

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petitioner's own certificate is under doubt and mere production of copies of certificates or passports cannot absolve the petitioner at this stage. The attention of this Court has also been drawn to the fact that the petitioner is involved in multiple criminal cases, including one FIR No.26 dated 13.03.2023 under Sections 420, 34 IPC, registered at the same police station. Learned State asserts that such antecedents reflect a pattern of dishonest conduct which disentitles the petitioner from the discretionary relief of anticipatory bail.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. The FIR *ibid* categorically discloses specific and direct allegations against the petitioner regarding the misuse of the matriculation certificate of the complainant for obtaining a passport. The documents placed on record and the submissions made by the learned counsel for the petitioner raise disputed questions of fact, which cannot be adjudicated at this stage. Whether the duplication of roll numbers is due to a clerical error of the Board or due to deliberate manipulation is a matter requiring detailed investigation. Such allegations, on the face of it, disclose the commission of cognizable offences of cheating and forgery. The defence projected by the petitioner that it is a mistaken identity or clerical error cannot be accepted on the face value in the absence of full inquiry by the investigating agency. Furthermore, the plea of the petitioner that his passport was verified earlier does not rule out the possibility of use of forged or wrong educational credentials. Furthermore,



whether the documents were fabricated by the petitioner is a question of fact which requires thorough investigation and evidence and cannot be delved summarily at this stage.

7. It is well-settled that anticipatory bail is an extraordinary remedy to be granted sparingly in exceptional cases where the Court is satisfied that the accused has been falsely implicated or that custodial interrogation is wholly unnecessary. The allegations herein are serious and specific, supported by documentary material, and grant of pre-arrest bail at this stage is likely to hamper investigation. The recovery of crucial documentary evidence coupled with other circumstances detailed in the investigation, points towards the active complicity of the petitioner in the alleged offence. The stand of the State before this Court is that the custodial interrogation of the petitioner is indispensable to unearth how the petitioner obtained the educational documents of the complainant. The nature and gravity of the offence necessitate a thorough investigation, which, at this stage, cannot be conducted without the petitioner being in custody. No exceptional or compelling circumstance has been demonstrated which would warrant the grant of anticipatory bail in such a serious offence. Moreover, the criminal antecedents of the petitioner, as he is involved in other FIRs also under similar sections, do not inspire confidence for grant of anticipatory bail in the factual *milieu* of the case in hand.

8. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to



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the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to establish a reasonable basis for the accusation of the petitioner. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***, the Supreme Court held as under : (SCC p.189, para 6)

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable 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 information 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. In view of the seriousness of the allegations, the antecedents of the petitioner and the need for custodial interrogation to facilitate effective investigation, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual matrix of the case in hand.

10. In view of the prevenient ratiocination, it is directed as under:



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- (i) The petition in hand is dismissed being devoid of merits.
- (ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
- (iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

November 03, 2025
Ajay

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