

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

217

CRM-M-61489-2025

Date of decision: 27th November, 2025

Harjinder Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

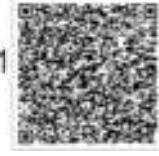
Present: Mr. Raghav Soni, Advocate for the petitioners.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioners seeking grant of anticipatory bail in case bearing FIR No. 148 dated 03.09.2025 registered under Section 420 of IPC at Police Station Jhabhal, District Tarn Taran.

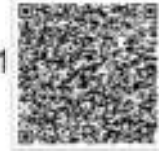
2. As per the allegations, a writ petition CWP-PIL-118-2025 was filed by one Bakshish Singh alleging that the present petitioners along with three more persons namely Bhagwant Singh, Sawinder Singh and Baldev Singh, all residents of village Chhichorowal, District Tarn Taran, had got sanctioned old age pension in young age on the basis of false and fabricated documents and had cheated the State Authorities. On coming to know about this fact, an inquiry was ordered to be initiated by the Deputy Commissioner, Tarn Taran against the petitioners and the above named three



persons. On conducting inquiry, it was revealed that during the period from October, 2015 to January, 2017, both the petitioners had availed an amount of Rs. 7250/- each as Old Age Pension on the basis of false documents though they were not entitled to the same. The said inquiry report along with the complaint was sent to SSP, Tarn Taran and the aforementioned FIR was registered. Investigation proceedings have been initiated and are underway. Apprehending their arrest, the petitioners jointly moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Tarn Taran, which was dismissed vide order dated 01.10.2025.

3. It is argued by learned counsel for the petitioners that they have been falsely implicated in this case on the basis of false and vague allegations. No fair inquiry has been conducted. The FIR has been lodged under the influence of nephew of the complainant who is currently posted as a DSP in District Tarn Taran. The case is based on documentary evidence. No wrongful gain had been availed by the petitioners. They are ready to join the investigation. Their custodial interrogation is not required. No recovery is to be effected from them. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed. Learned State counsel on the other hand has argued that there are serious and specific allegations against the petitioners. The aforementioned writ petition is still pending against them. Their custodial interrogation is required for conducting thorough and proper investigation in the matter. Recovery of embezzled money is yet to be effected from them. No extra ordinary or sparing circumstance has even otherwise been made out for the purpose of extending benefit of bail to the



petitioners. Therefore, it is urged that the petition does not deserve to be allowed.

5. This Court has heard learned counsel for the parties at considerable length.

6. The petitioners in connivance with each other are alleged to have duped the State Government for an amount of Rs. 7250/- each by representing that they were entitled to receive the same as Old Age Pension though they were actually not entitled for the same during the relevant period. The allegations *prima facie* make out a case for commission of subject offence as against the petitioners. However, the case is based on documentary evidence. Taking into consideration the nature of the allegations as levelled against them, this Court is of the considered opinion that pre trial incarceration of the petitioners is not required. It is also well settled that pre-trial incarceration should not be a replica of post-conviction. As such, a case is made out for allowing the petition. Accordingly, the petition is allowed, subject to petitioners' appearing before the Investigating Officer and joining investigation within a period of ten days and on their surrender within that period, they shall be released on bail by the Investigating Officer on furnishing bonds to his/her satisfaction and further subject to following conditions:-

- (i) the petitioners shall cooperate with the investigation officer and shall appear before the investigating officer/arresting officer as and when required.
- (ii) they 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/her from disclosing such facts to the Court or to any Police Officer.

(iii) they shall not commit any similar offence while on bail.

7. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.
8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[MANISHA BATRA]
JUDGE

27th November, 2025
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |