

CRM-M-64420-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-64420-2024
Reserved on: 20.02.2025
Pronounced on: 28.02.2025

Priyanka ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vishal Moudgil, Advocate
for the petitioner.

Mr. Naveen K. Sheoran, DAG, Haryana.

Mr. Parveen Sharma, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
160	03.07.2024	Arya Nagar Rohtak, District Rohtak	420, 467, 468, 471, 120-B IPC and 25 of Arms Act

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 13(v) of the bail petition, the accused declares that he has no criminal antecedents, however as per para 9 of the status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	228	03.07.2021	420, 406, 467, 468, 471, 370, 34 IPC and 24 of Immigration Act	Sadar Gohana, District Sonapat

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That the facts of the case are that a complaint has been moved by Bhupender Khokhar Sh. Karambir R/o Village-Shamri (Buran), S/o Teh.-Gohana Distt.-Sonapat to the effect that Priyanka and Parminder are permanent resident of Australia before the year 2000 and having right to vote in Australia and having Australian passport, who are clever,

CRM-M-64420-2024

dishonest and fraudulent type of persons. On 11.01.2021, the said Priyanka has obtained a divorce from Federal Circuit of Australia, in which it is mentioned that "all the material times domicile in Australia" and material times started from 01.01.1999 to 11.01.2021 as per Federal Circuit of Australia. In this way the said Priyanka cannot prepare any document in India. It is further alleged that after the year 2000, the above said persons prepared false, fabricated documents i.e. (i) Arms licence of Priyanka bearing no. LN13256A7A2D117, unique ID no.132560013378592015 issued on 7/5/2007 valid upto 6/5/2022, arms licence of Parminder ii) Arms License of Parminder Singh bearing No. LN13256A7A3ED19, Unique ID No. 132560015626402015 issued on 08.04.2003, Valid upto 07.04.2021. iii) Domicile of Priyanka bearing No. THE/2007/1813 dated 16.03.2007 at Rohtak. iv) Ration Card of Mahender Singh bearing No. 316837 dated 12.03.2007 at Vishal Nagar, Rohtak, in which the name of Priyanka and Parminder Singh are mentioned. v) Ration Card of Bikram Singh bearing No. 4796533 dated 13.01.2014 at Vishal Nagar Rohtak, in which, the name of Priyanka is mentioned. vi) Aadhar Card of Parminder Singh bearing No.547762936969 on the address Vishal Nagar, Rohtak. It is further alleged that at the time of renewal of the said arms licence, all the documents and signatures are false, bogus and fake and the affidavits, signatures are also false and fabricated and further in police verification during the period of renewal of Arms licence, the witnesses are also false. It is further submitted that the above named persons have concealed the facts before the competent authorities. Due to Fraudulent act and criminal conspiracy of the above named persons alongwith other family members, FIR No.228 dated 03.07.2021, under section 24 of Immigration Act, 370,34,467,468, 471,406,420 of Indian Penal Code, Police Station Sadar, Gohana (Sonapat) against the accused person and other family members has been got lodged by the complainant except the present case, as per the knowledge of the complainant, there are other four FIR lodged against the family members of above said persons. The complainant further submitted in the complaint that four other FIRS lodged against the accused persons. He approached to police of Sonapat regarding above said forged and fabricated ground were prepared by the petitioner, but the police has not taken any action against the accused. With these submission, he prayed that proper legal investigation may kindly be conducted against the accused persons."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and

CRM-M-64420-2024

contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State’s counsel as well as counsel for the complainant oppose the bail and refer to the reply, specifically para 7, which reads as under:-

“That the custodial interrogation of petitioner is very much required for recover of Ration Card and Voter card, Domicile, Arms Licence etc. If the petitioner is released on anticipatory bail, then she will not cooperate in the investigation as despite issuing notice to join further investigation, she has not appeared and she will flee to Australia and will not appear before the Ld. Trial Court during trial, SO the custodial interrogation is required in the present case.”

REASONING:

6. 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.

7. The Police did not arrest the petitioner; if they intended to arrest the petitioner, it was not impossible.

8. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, petitioner is a woman, 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.

9. 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 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 Ilaka 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.

10. 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	

CRM-M-64420-2024

	considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. This order is subject to the petitioner’s complying with the following terms.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
18. 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

CRM-M-64420-2024

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.

19. **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.