

2025.PHHC.004981



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

**CRM-M-718-2025
DECIDED ON: 15.01.2025**

HARDEEP SINGH**.....PETITIONER**

VERSUS

STATE OF PUNJAB**.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Mandeep K. Sajjan, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG Punjab

Mr. Arun Kumar Kaunda, Advocate for the complainant.

SANDEEP MOUDGIL, J (ORAL)**1. Relief Sought**

The jurisdiction of this Court under Section 482 of BNSS, 2023, has been invoked seeking anticipatory bail to the petitioner in case FIR No. 183, dated 12.09.2024, under Sections 420, 467, 468, 471 and 120-B of Indian Penal Code, 1860, registered at Police Station City Rajpura, District Patiala (Annexure P-1).

2. Prosecution story, set up in the present case as per the version in the FIR read as under :-

“At Presently an Application No. 7836/PC dated 11.09.2024 submitted by Bahadur Singh son of Dalip Singh resident of village Raipur Rajputan sub: Khanna District Ludhiana for registration of case under Sections 420,467,468,471,120-B IPC against Hardeep Singh son of Harbans Singh, Harbans Singh son of Teja Singh resident of village Uttalan, Tehsil Samrara District Ludhiana, Sukhwinder Singh son of Hoshiar Singh resident of village Saidkheri and Charanjit Singh son of Lakhvir Singh resident of village Sayian Kala Dehlo District Ludhiana, for producing fake girl Daljit Kaur and fake Bahadur Singh for inquiry has been received from the Office of Worthy Senior

Supertindent of Police, Patiala through post, the details are as under:-To, Worthy S.D.M.Sahiba,Sub Division, Rajpura,Patiala Subject: Legal action should be against Hardeep Singh son of Harbans Singh, resident of village Uttala Tehsil Samrala District Ludhiana (phone number 7508461766) and related persons who with wrong intention, and by colluding with each others, and by attaching forged documents, and by producing take unknown persons and fake unknown girl in place of bride, and getting the marriage registered, after investigation. Madam,

1) It is request that I am Bahadur Singh son of Dalip Singh resident of Village Raipur Rajputan Teh: Khanna District Ludhiana. 2) That one person named Hardeep Singh mentioned in the subject matter has prepared false and fake documents with malafide intention and by attaching the wedding photos of someone else and using the documents as a pretext to the complainant and by putting some other girl in place of bride, and by some unknown persons as his relatives, as witnesses registered marriage vide marriage registration No. PAA/RJP//2023/48457569 Dt. 06-05-2023 from the Office Marriage Registrar cum Tehsildar Rajpura. 3) That in this action my daughter has been described as the bride, her name has been shown as Daljit Kaur Ballewal daughter of Bahadur Singh resident of Raipur District Ludhiana who is my daughter. My daughter was never married to the above said person Hardeep Singh. The above said Hardeep Singh by putting fake documents in the file, by putting someone else's wedding photos and by producing some fake girl as my daughter instead of my daughter and using the documents taken from us under the pretext, the above said Hardeep Singh. has got the marriage registered with bad intentions by involving other persons in this wrongful act with him. Whenever I came to know about this wrongful and illegal act, I filed an application under Right of Information Act, 2005 to the office of Marriage Registrar cum Tehsildar Office Rajpura, and issued the certified copies of all the documents enclosed in the said marriage registration file, and then I got the confirmation of this entire wrongful illegal act. 4) That actually the said Hardeep Singh is a resident of village Uttalan Tehsil Samrala District Ludhiana but the said Hardeep Singh with bad intention has given his address as village Saidkheri Tehsil Rajpura District Patiala and got prepared his and his father fake aadhar Card of village Saidkheri Teh: Rajpura, Distt. Patiala,and placed on the file. 5) That my daughter Daljit Kaur Ballewal is divorcee and that the above said Hardeep Singh has registered the marriage by introducing another girl, in which he has shown the bride as unmarried. 6) That my daughter Daljit Kaur Ballewal's previously married somewhere else, after which she got, divorce and my daughter Daljit Kaur Ballewala, had got UK Visa, and talked about my daughter's marriage with the above said Hardeep Singh and duly informed to Hardeep Singh and his family about my daughter's divorce. I had gone so everything had been cleared. Hardeep

Singh had taken my daughter Daljit Kaur Ballawal's Aadhaar card, copies of other documents and my Aadhaar card by saying that he had to talk with some agent regarding getting foreign visa and these documents were to be shown to him. The marriage of my daughter Daljeet Kaur ballewal was not performed with above named Hardip Singh, only the engagement was arranged and there were some photographs of the occasion, but the said Hardeep Singh and his family has registered the marriage by misusing the copy of my daughter and my Aadhaar card and introducing some other girl in place my daughter.7) That from the above facts, it is made clear that the above said Hardeep Singh along with his family and other men have done all the wrong and illegal work with bad intention. By submitting the application, it is requested that an order be made to conduct an impartial investigation into this matter and register a case under appropriate sections, against the above named Hardeep Singh and other persons who are indulging in this wrong act. With thanks Date:- 11.01.2024 Request By: True/- Bahadur Singh Son of Dalip Singh Resident of Village Raipur Rajputan Tehsil Khanna District Ludhiana Phone No. (98147-93979)," On the application Sub Divisional Magistrate Rajpura has written while sending copy of the complaint is sent to the Deputy Supertindent of Police Rajpura, Circle, and it is written that the necessary action as per the rules be taken immediately implemented.Sd/- Sub-Divisional Magistrate, Rajpura," which application was investigated by the Deputy Superintendent of Police, Circle Rajpura, who conducted his investigation, who written in his report that Sir in the complaint enclosed No. 591/Steno dated 07-2-2024 Office Sub Divisional Magistrate Rajpura submitted Bahadur Singh against the above named Hardeep Singh, son of Harbans Singh, son of Teja Singh, etc., residents of Uttalan Village, Teh: Samrala District, Ludhiana, by preparing false and forged documents and by producing fake unknown persons and also producing fake unknown girl, getting marriage registered has been received. A notice has been given to both the parties for the investigation of the complaint. The complainant-Bahadur Singh along with his witnesses Jagtar Singh son of Dalip Singh resident of Ludhiana and Jasveer Singh son of Hari Singh resident of Shaheedgarh, District Fatehgarh Sahib came to the presence, who were associated in the inquiry and their statement were recorded, and also received concerned record. The other party Harbans Singh submitted a photocopy of the earlier statement dated 20-12-2023, apart from this, no witness or evidence was submitted. The concerned record and recorded statements are annexed for your kind perusal. From my preliminary investigation, scrutinized the recorded statements and perusal of relevant records, it has been found that the complainant-Bahadur Singh is working as a Division Superintendent in the PSPCL Electricity Department, Doraha. According to him, his daughterDaljit Kaur Ballewal applied for study visa to go to England for

which all the fees were paid by the complainant. on dated 08.03.2023, the complainant's daughter got a study visa for England. He had given an advertisement in the newspaper on 02-04-2023 for marriage alliance of his daughter Daljit Kaur Ballewal that the visa of the complainant's daughter has been approved for England, she needs a boy who can bear all the expenses of going abroad. After publishing this advertisement, Charanjit Singh, son of Lakhvir Singh, resident of village Sayian Kalan, Dehlon, District Ludhiana contacted the complainant, as the above said Charanjit Singh works as a matchmaker, who gave all information about the above said Hardeep Singh and his family members, and later on Charanjit Singh introduced both the families in a mini palace at Dehle on 05-04-2023, where 5 members each from both the families were present, and talked about the marriage of the complainant's daughter, and thereafter both the families gave their consent. Before the engagement ceremony, the above said Hardeep Singh and his family had given assurance to the complainant and his family that they would bear all the expenses of Visa of the complainant's daughter to England and also ready to bear further expenses, the total comes to Rs.25 lakhs, given assurance to give the same, and also assured that they will get their marriage registered and the complainant's daughter will go abroad to England first and after that Hardeep Singh will get his visa approved at his own expense and will go to the petitioner's daughter to England. As per stated by the complainant that at that occasion the above said Charanjit Singh told us that you should give PDF file of all important documents of your daughter like copy of visa for England, copy of Aadhaar card, copy of passport, copy of PAN card, copy of school certificate, photographs, etc. were taken the same by saying that he has to get these documents checked from his agent-Parshant Kapoor son of Sunder Lal Kapoor, resident of 3538, Gandhi Colony, Rajpura, Distt. Patiala, who is running his business in the name of Parth Immigration Visa Educational Consultation at Pachranga Chowk, Rajpura. After this the complainant performed the engagement ceremony of his daughter Daljit Kaur Ballewal with the above said Hardeep Singh at Dehlo on the same day and also performed Shagun ceremony. On this occasion, the family of Hardeep Singh clicked some photographs and they gave an assurance to speed up the marriage ceremony. On the same day Hardeep Singh handed over three cheques of total amount of Rs.25 lakhs to the complainant under three separate signatures and assured that he will clear the cheques, after checking papers of his daughter in order. Apart from this, the above named Charanjit Singh also took the ticket of the complainant's daughter to England through Hardeep Singh, but much later they did not tell anything to the complainant, due to which the complainant did not encash the said cheques, nor the above said Hardeep Singh asking the complainant to present the cheques for clearance. After this, the complainant

talked to the above said Charanjit Singh and Hardeep Singh many times about his daughter's marriage, but Hardeep Singh later neither register the marriage with my daughter, nor entered any agreement regarding the marriage, and made lame excuses to the complainant. On the other hand, the complainant's daughter's visa to England kept on, and while considering future prospectus of his daughter, the complainant sent her daughter to England on 06-05-2023. The ticket of daughter of the complainant was arranged by Charanjit Singh and Hardeep Singh through Prashat Kapoor. A few days after his daughter's arrival in England, she had an interview, in which it came to light that Hardeep Singh had applied his spouse visa file to England. The complainant's daughter told to him that, Hardeep Singh etc., by mis using her documents, Hardeep Singh projected one other girl in place of his daughter and also presented some other person in place of complainant Bhadur Singh register marriage at Rajpura. At the time of registration of marriage, witness- Sukhwinder Singh, son of Hoshiar Singh, a resident village Saidheri put his attestation from boy Hardeep Singh and Charanjit Singh from the girl side. While in the photo of the registered marriage certificate, neither the complainant, nor his girl, who got this marriage, registered by presentation some fake girl in place of his daughter and a fake person in place of the complainant. The original passport size photo of the complainant and his daughter Daljit Kaur Ballewal is annexed for verification. The above named Hardeep Singh used this marriage certificate in the file of his spouse visa. The application form and other documents related to the court marriage registered were obtained by the complainant under the RTI Act-2005. The photocopies of same are annexed for kind perusal. The complainant is suspected that work of fake registration of marriage in the name of his daughter and forging a fake marriage certificate has been done only by Prashant Kapoor, as neither Hardeep Singh is a resident of the said Village Saidkheri nor any of his family members lives in Saidkheri village. Their village proofs of Saidkhedi were also prepared by Prashant Kapoor. The above said Hardeep Singh along with his family and other persons did all the wrong and illegal work with bad intention have done .From the entire investigation, Hardeep Singh son of Harbans Singh, Harbans Singh son of Teja Singh resident of village Uttala, Tehsil, Samrala District Ludhiana, Sukhwinder Singh son of Hoshiyar Singh resident of village Saidkheri and Charanjit Singh son of Lakhvir Singh, resident of village Sayian Kala Dehle, District Ludhiana, by producing fake girl Daljit Kaur and fake Bahadur Singh and by putting wedding photos of someone else in the file and by posing another fake girl as his daughter in place of complainant's daughter and by using papers which were taken by him by making excuses to get this marriage registered. From which offence under Sections 420, 467, 468, 471, 120-A IPC has been made out and investigation of the same has been done after registration of

case. Apart from this, if the said Prashant Kapoor or any officer/ employee related to the said marriage registration, if any inconsistency comes to light, then according to the facts revealed during the investigation of the case under section 115, the action was taken by registration of case in their names, and investigation of the matter, and verify about the fake girl Daljit Kaur and fake Bahadur Singh and their names will entered in the case. Still it is necessary to obtain a legal opinion from DA Legal, Patiala. After obtaining legal opinion from DA, Legal Patiala, Hardeep Singh, Harbans Singh, Sukhwinder Singh, Charanjit Singh, Fake girl Daljit Kaur and fake Bahadur Singh please be informed. The next order to the Chief Head Officer of Police Station City Rajpura to register a case against above named persons be assured. Sd/- Deputy Superintendent of Police Circle Rajpura," vide application vide Scrutiny Report No. 121/P/DSP/ Rajpura dated 05.08.2024”

3. **Contentions**
On behalf of the petitioner

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in a conspiracy led by the complainant and *prima facie* no case of whatsoever nature is made out against him. He further submits that the complainant allegedly assured the petitioner that daughter of Bahadur Singh would facilitate his overseas relocation on a spouse visa in exchange for financial consideration and the father of the petitioner consented to this arrangement, and accordingly, the engagement between the petitioner and daughter of the complainant was formalized.

It is contended on behalf of the petitioner that his father, Harbans Singh, paid a total of Rs.11 lakhs (9 lakhs in cash and 2 lakhs via RTGS to Prashant Kapoor and Charanjit Singh), and additionally provided cheques amounting to Rs.25 lakhs from the account of the petitioner, ostensibly to reflect the funds in the account of the petitioner as well as the daughter of the complainant. Subsequently, the father of the petitioner discovered that Bahadur Singh had surreptitiously sent his daughter abroad, without honoring the terms of the agreement. Upon seeking a refund of the money, Bahadur Singh allegedly

lodged a fabricated complaint against the father of the petitioner and his associates, purportedly to protect his own interests. It is further contended that preliminary inquiries by the DSPs found no merit to the allegations, but the complainant, allegedly utilizing political influence, managed to secure the registration of a fresh complaint, culminating in the current FIR. The petitioner asserts that *prima facie* no case of cheating has been made out against him, as the complainant and his daughter are the primary culprits. The petitioner assures this Court that he is ready and willing to cooperate with the investigation.

On behalf of the respondent/State/complainant

Learned State counsel assisted by the counsel for the complainant has vehemently opposed the prayer made in the present petition contending that not only the complainant has been deceived, but a fraud has also been perpetrated on the State as the petitioner in collusion with his co-accused, managed to obtain a marriage certificate, falsely registering the marriage between him and daughter of the complainant, despite no such marriage was solemnized. Further contention is that another woman was impersonated as the daughter of the complainant before the Marriage Registrar to procure the marriage certificate, which was used for filing the visa application of spouse of Hardeep Singh. The petitioner and his co-accused, Harbans Singh, were fully aware of the fact that the woman impersonate as Daljeet Kaur before the Marriage Registrar was not actually Daljeet Kaur. Further documents belonging to Daljeet Kaur, which had been obtained by the accused, were misused for fraudulent purposes.

In light of the severity of the offense, it is further argued that custodial interrogation of the petitioner is necessary.

4. Analysis

This Court has examined the material available on record. The evidence reveals that the petitioner, in collusion with the co-accused persons, has cheated the complainant and misused the documents of his daughter. It is alleged that the accused substituted other individuals to impersonate Bahadur Singh and his daughter in a fraudulent marriage, which was unlawfully registered with the intent of securing a spouse visa for England. The petitioner is identified as the principal conspirator in this fraudulent scheme. The allegations pertain to immigration fraud committed by the accused. The marriage certificate was obtained by means of forged documents and impersonation. The petitioner has admitted that the marriage was a contract marriage, thus *prima facie* indicating that the intention of the parties was to commit immigration fraud to secure a spouse visa for the petitioner namely Hardeep Singh.

The Hon'ble Supreme Court in the case of ***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr. 2022 Live Law (SC) 870*** held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the *prima facie* case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

“It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.

Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.

We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the

order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

More so, investigation is still going on in the present case. It is settled proposition of law that power exercisable under Section 438 Cr.P.C., is somewhat extraordinary in character and it is to be exercised in exceptional cases. The Supreme Court in **“State vs. Anil Sharma”; (1997) 7 SCC 187**, held as under:-

“We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconded 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 informations and also material 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 needs 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.”

In light of legal aspects as well as the enunciation discussed hereinabove and the role attributed to the petitioner, this Court is of the opinion that custodial interrogation is necessary to ascertain the source from which the impersonators were procured, the origin of the forged documents, and the identities of other individuals involved in the fraudulent scheme. Such interrogation may further assist the Investigating Agency in uncovering the full scope of the conspiracy, which will enable it to reach to a logical conclusion.

Consequently, this Court finds no merit in the present petition, which is hereby dismissed. No order as to costs is made.

However, it is made clear that the observations in this order are only for the purposes of deciding this bail application and the trial Court is free to adjudicate upon the matter in accordance with law.

(SANDEEP MOUDGIL)
JUDGE

14.01.2025

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>