



CRM-M-54314-2025
132 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54314-2025
Decided on: 26.09.2025

Harwinder Singh ...Petitioner

Versus

State of Punjab and another ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rajat Dogra, Advocate for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

Ms. Kunika Khurana, Advocate for respondent No.2.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
53	24.03.2020	Navi Baradari, District Police Commissionerate Jalandhar	193, 420, 465, 468, 471, 120B IPC

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 17 of the bail petition, the accused declares that he has no criminal antecedents.

3. The facts and allegations are being taken from the order dated 24.08.2020 passed by the Judge Special Court, Jalandhar, which reads as follows:

“...Perusal of file reveals that the present case has been registered on the basis of written complaint no. 1546 PTM dated 25.04.2019 moved by Manpreet Kaur who has submitted that her marriage was solemnized with Harwinder Singh son of Sucha Singh, resident of VPO Bangowani, Tehsil and District Gurdaspur on 06.01.2016 and she has one daughter namely, Avnoor Kaur aged about 3 years. Her marriage is duly register in the office of Registrar of Marriage Kalanaur vide no. 2 dated 11.01.2016. Huge amount was spent on her marriage by her parents in the shape of dowry etc. she came to know that her husband Harwinder Singh



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has got a divorce decree from the court of Smt. Harveen Bhardwaj, Additional District Judge, Gurdaspur by producing fake documents and by impersonating some other lady as Manpreet Kaur in her place and shown her address as Rose Garden, Jalandhar. The filing number of petition is 2904/2018 which was filed on 18.05.2018. Said Harwinder Singh forged her signatures on the petition and other documents by producing fake identity proof. The fact of the matter is that she never filed such petition in the court of Jalandhar nor at any time appeared in the court at Jalandhar. During this period, she was in Italy and Harwinder Singh has done this in connivance with the witnesses in order to get rid of her and to solemnize his second marriage in the lust of more dowry. Harwinder Singh has committed fraud and cheating not only with her but with this court also. He ruined her life as well as life of her minor child. Harwinder Singh has contacted his second marriage with Amrit Malhi of Gurdaspur.

6. Perusal of file further reveals that no specific allegations have been levelled by the complainant against the accused-applicant. During investigation, the name of the accused-applicant was pointed out by Sh. Jagmohan Singh Gill, Advocate who filed the above said petition under section 10 of Hindu Marriage Act in the court of Smt. Harveen Bhardwaj, Additional District Judge, Jalandhar to the effect that he after preparing the petition handed over the petition to the accused-applicant who after got obtaining signatures of Manpreet Kaur on petition as well as affidavit handed over the same to him and he filed the petition but later on when the petitioner did not turn up in the court, he withdraw the said petition at the instance of the accused-applicant.”

4. The petitioner’s Counsel submits that petitioner was earlier declared proclaimed offender but vide order dated 02.08.2025 passed by the Coordinate Bench of this Court passed in CRM-M-63804-2023, proclamation order was quashed and set aside. Petitioner’s counsel further submits that matter now stands compromised between the parties. Counsel appearing for all the victims does not dispute the contention made by counsel for the petitioner and admits the factum of compromise and states that they have no objection to the petitioner’s bail.

5. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family. Counsel further submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the



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petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. Given above, once the matter stands compromised, State would have no objection to the bail.

REASONING:

7. Because of no objection to the bail by the victim(s), this Court is inclined to grant bail with clarification that this bail on compromise shall not amount to the acceptance of the compromise by the prosecution or the Court.

8. The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime, and presumption of innocence in favour of the alleged criminal.¹ Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case.² Personal liberty deprived when bail is refused, is too precious a value of our constitutional system recognised under Art. 21 that the curial power to negate it is a great trust exercisable, not casually, but judicially with lively concern for the cost to the individual and the community.³

9. Given the compromise, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. 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.

10. The petitioner's bail shall not be treated as a precedent for granting bail to other co-accused, if any.

11. 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

¹ Supreme Court of India in *Vaman Narain Ghiya v. state of Rajasthan*, [E-SCR] ; [2008] 17 SCR 369, Para 16, decided on 12.12.2008.

² Supreme Court of India in *Siddharam Satlingappa Mhetre v. State of Maharashtra*, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

³ Supreme Court of India in *Babu Singh & ors v. State of UP*, [E-SCR] P. 777, decided on 31.01.1978.



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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 Ilaqa 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.

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

13. This order is subject to the petitioner's complying with the following terms.

14. 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.

15. 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.

16. 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.



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17. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

18. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

19. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

20. It is clarified that this bail order shall not be considered as a blanket bail order in any other matter and is only limited to granting bail in the FIR mentioned above.

21. 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 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.

22. Petition allowed in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

26.09.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.