

CRM-M-40473-2025

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

(202-3)

**Date of decision: 29.08.2025**

**(1) CRM-M-40473-2025 (O & M)**

Kulwinder Kaur

.... Petitioner

V/s

State of Punjab

...Respondent

**(2) CRM-M-41060-2025 (O & M)**

Rakesh Kumar @ Babbu

.... Petitioner

V/s

State of Punjab

...Respondent

**(3) CRM-M-41730-2025 (O & M)**

Rani Kaur

.... Petitioner

V/s

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present: Mr. P.S. Sekhon, Advocate (in CRM-M-40473),  
Mr. Mikhail Kad, Advocate and  
Mr. Jagjit Singh, Advocate, (in CRM-M-41060)  
and Mr. Yashpal Thakur, Advocate (in CRM-M-41730),  
for the petitioners.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

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**JASJIT SINGH BEDI, J. (Oral)**

This order shall dispose of three criminal miscellaneous petitions i.e. **CRM-M-40473-2025, 41060-2025 and CRM-M-41730-2025** as they arise out of the same FIR.

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2. The petitioners, namely, Kulwinder Kaur (in CRM-M-40473-2025), Rakesh Kumar @ Babbu (in CRM-M-41060-2025) and Rani Kaur (in CRM-M-41730-2025) seek the grant of anticipatory bail under Section 482 of BNSS in case bearing FIR No.131 dated 01.07.2025 under Sections 319(2), 318(4), 336(2), 338, 336(3), 340(2) and 61(2) of BNS, 2023 (corresponding Sections 419, 420, 465, 467, 468, 471 and 120-B IPC) registered at Police Station City Sangrur, District Sangrur.

3. For the sake of convenience, the facts are being taken from the petition bearing No. CRM-M-40473-2025.

4. The present FIR came to be registered at the instance of ASI Kulwinder Singh and reads as under:-

*To the SHO PS City Sangrur, Jai Hind, Sir today I ASI along with HC Parambir Singh 1531/SGR, HC Inderjit Singh 1544/SGR, 94 PHG Davinderpal Singh 48141 in private vehicle were present near BSNL Park Sangrur in relation to patrolling and checking of suspicious persons, vehicles. Meanwhile it would be time around 8:30 PM, a secret informer came present and informed to I ASI that Harmeena Rani wife of Rajesh Kumar resident of Bazigar Basti Sangrur against whom FIR no.94 dated 02.06.2025 under section 21, 29/61/85 NDPS Act PS City Dhuri is registered, Rakesh Kumar Babbu son of Rajiv Kumar resident of Bazigar Basti Sangrur against whom FIR no. 59 dated 17.04.2025 under section 21, 29/61/85 NDPS Act PS City Dhuri is registered, Rani wife of Balvir Singh resident of Bazigar Basti Sangrur against whom FIR no. 60 dated 17.04.2025 under section 22,29/61/85 NDPS Act PS City Dhuri is registered, Kulwinder Kaur wife of Baldev Singh resident of*

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*Bazigar Basti Sangrur against whom FIR no.60 dated 17.04.2025 under section 22, 29/61/85 NDPS Act PS City Dhuri is registered, Raju son of Bhag Singh resident of Bazigar Basti Sangrur against whom FIR no.35 dated 07.03.2025 under section 22/61/85 NDPS Act PS City Dhuri is registered. The said persons have furnished their respective bail/surety bonds at Ld. Courts at Sangrur. While furnishing these bail bonds, the said accused have furnished fake bail bonds by presenting forged documents, fake sureties and witnesses and they have been released from the jails. If the said persons are apprehended then they will disclose about the fake sureties and witnesses. On which act of said Harmeena Rani wife of Rajesh Kumar resident of Bazigar Basti Sangrur, Rakesh Kumar @ Babbu son of Rajiv Kumar resident of Bazigar Basti Sangrur, Rani wife of Balvir Singh resident of Bazigar Basti Sangrur, Kulwinder Kaur wife of Baldev Singh resident of Bazigar Basti Sangrur, Raju son of Bhag Singh resident of Bazigar Basti Sangrur by conniving with their unknown fellow persons fulfills the ingredients of offence under section 319(2), 318 (4), 336 (2), 338, 336(3), 340(2) 61 OF BNS, 2023. On which sending the ruqa to PS by hand PHG Davinderpal Singh 48141 for the registration of case against said Harmeena Rani wife of Rajesh Kumar resident of Bazigar Basti Sangrur, Rakesh Kumar @ Babbu son of Rajiv Kumar resident of Bazigar Basti Sangrur, Rani wife of Balvir Singh resident Bazigar Basti Sangrur, Kulwinder Kaur wife of Baldev Singh resident of Bazigar Basti Sangrur, Raju son of Bhag Singh resident of Bazigar Basti Sangrur and unknown sureties and witnesses under the said offence. Kindly inform the FIR number after registering the case and inform control room Sangrur. I ASI along with fellow policemen am going to busy in investigation. Today in the limits*

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*of: - near BSNL Park, Sangrur, time 9:15 PM. the revenue SD/-  
Kulwinder Singh.*

4. The learned counsel for the petitioner-Kulwinder Kaur (in CRM-M-40473-2025) contends that the petitioner was in custody in another case and had no knowledge about the fake surety bonds submitted by her son-in-law/Bunty and brother/Jiwan Singh who have been released on regular bail. As she is a lady and has joined the investigation, she is entitled to the concession of anticipatory bail.

5. The learned counsel for the petitioner-Rakesh Kumar @ Babbu (in CRM-M-41060-2025) contends that there is no evidence that the petitioner has prepared and forged the documents submitted before the concerned Court. As he too has joined investigation, he is entitled to the concession of anticipatory bail.

6. The learned counsel for the petitioner-Rani Kaur (in CRM-M-41730-2025) contends that the petitioner was in custody and therefore, could not have prepared and forged the documents. As she is also a lady and has joined the investigation, she is entitled to the concession of anticipatory bail.

7. The learned counsel for the State, on the other hand, contends that the petitioners are either the beneficiaries of the submission of the fake bail/surety bonds furnished on the basis of false and forged documents or are those who have actually forged the documents in question. Therefore, as the offences stand *prima facie* established, they are not entitled to the



concession of anticipatory bail. He, however, concedes that the petitioners have joined the investigation.

8. I have heard the learned counsel for the parties.

9. The Hon'ble Supreme Court in the case of '***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr. 2022(4) RCR (Criminal) 977***', has 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.”*

10. In the instant cases, the allegations against the petitioners are that they alongwith their co-accused furnished their respective bail/surety bonds in various Courts by presenting forged documents, fake sureties and witnesses. The petitioners are either the beneficiaries who obtained bail on the basis of these forged documents or those who have forged the documents. Merely because the petitioners have joined investigation does

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not entitle them to the grant of anticipatory bail. As the offences are *prima facie* established and the investigation is to be taken to its logical conclusion, the custodial interrogation of the petitioners is certainly required.

11. In view of the above, I find no merit in the present petitions. Therefore, the same stand dismissed.

12. However, it is made clear that the observations made in this order are only for the purpose of deciding this bail applications and the Trial Court is free to adjudicate upon the matter on the basis of the evidence lead before it uninfluenced by any such observations made.

13. The pending application(s), if any, shall stand disposed of accordingly.

14. A copy of this order be placed on the files of the connected cases i.e. **CRM-M-41060-2025** titled as '**Rakesh Kumar @ Babbu versus State of Punjab**' and **CRM-M-41730-2025** titled as '**Rani Kaur versus State of Punjab**'.

August 29, 2025  
sukhpreet

( JASJIT SINGH BEDI )  
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No