

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60212-2024
Reserved on: 07.05.2025
Pronounced on: 19.05.2025

Tarlok Singh and another ...Petitioners

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Impinder Singh Dhaliwal, Advocate
for the petitioners.

Mr. Akshay Kumar, A.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
177	11.10.2024	Lambi, District Sri Muktsar Sahib	420, 465, 467, 468, 471 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 18 of the bail petition, the accused declares that they have no criminal antecedents.

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

“4. That during the investigation conducted so far, the incriminating evidence has come on file against the petitioners-accused. The facts of the investigation are as under:-

(i) The petitioners-accused are real brothers. The petitioners-accused had availed credit facility of Rs.3.00 lakhs each from the Muktsar Central Coop. Bank Ltd. Branch Roran Wali (hereinafter referred to as 'the complainant bank') and the petitioners mortgaged their land (i.e. 8 kanals each situated in the area of Village Kakhan Wali, Tehsil Malout) in favour of the complainant bank as security regarding which rapat No.161 dated 13.11.2023 was recorded in the revenue record in respect of the land of the petitioner No.1 and a rapat No.160 dated 13.11.2023 recorded in the revenue record in respect of the land of the

petitioner No.2 The loan account No. of the petitioner No. 1 is 141915131100027 dated 18.12.2013 and the loan account no. of petitioner No.2 is 141915131100028 dated 18.12.2013.”

4. 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 petitioners and their family.

5. The State's counsel opposes bail and refers to the status report.

6. It would be appropriate to refer to the following portions of the status report, which read as follows:

It is pertinent to mention here that during the trial of the said complaint cases, the petitioners defended their cases taking plea of the NOCs allegedly issued by the complainant bank. The relevant para of the said judgements is reproduced here below:-

Thereafter, the statement of accused under Section 313 Cr.P.C. was recorded in which the entire incriminating evidence was put him. He denied all the assertions and pleaded his innocence and stated that he had cleared the limit loan taken by the complainant bank with principal amount and interest and after paying the money bank was issued NOC. After receiving NOC he submitted to the Patwari and all this is in full consideration of the bank employees while going to the Patwari. While withdrawing MCC bank from the deposit and the patwari had also spoken bank employees that he after clearing the whole amount of MCC Bank. After which they got a limit on the same property from Punjab & Sind Bank, Branch Roranwali. After clearing all the accounts with the complainant bank he again demanded the return to the blank cheques and other documents kept with the bank from the bank employees he with the village people he also went to the Bank and again demanded return his blank documents from the bank employees but the bank employees did not return any documents to him after that they filed a false present complaint of the said cheque against him for grab illegal money. He had cleared his own loan. Bank manager filed fake cheque cases after paying of the loan and issues NOC. When the bank employee not returned his blank cheques and other documents then he gave application against them to the higher officials of the bank and the police. But no action was taken on the applications. The documents that the manager has present in the court today are fake and fabricated in the court. He cleared the principal and interest of the bank. This case was filed against him on the false grounds. At the time he deposited the NOC to Patwari then employee of complainant Bank was present there. In rebut the case of the plaintiff, he examined Jagtar Singh as DW-1 who deposed by way of his affidavit EX DW-1. Further he examined Tarlok Singh as DW-2 who also deposed by way of his affidavit EX DW2/A. Further he

examined Gursewak Singh as DW-3 who also deposed by way of his affidavit EX DW3/A. Further he examined Vipin Patwari as PW-5 he proved documents i.e photocopy of NOC dated 03.05.2016 EX DW5/A, rapat EX DW5/B, EX DW5/C, rapat EX DW5/D..."

REASONING:

7. Perusal of the reply specially para no.4 (iii) reflects that bank filed complaints against the petitioners under Section 138 of NI Act for dishonour of cheque of Rs.3,50,000/- and as per para no.4 (i) credit facility was Rs.3 lacs only. In the said complaint, petitioners have already been convicted. As such again for forging NOC, their custodial interrogation is not necessary.

8. 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.

9. 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, 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 petitioners makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

10. Given above, provided the petitioners are not required in any other case, the petitioners 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 Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fail to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioners 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)	

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

13. The petitioners are 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 petitioners shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioners 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 petitioners shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

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

17. 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.

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

(ANOOP CHITKARA)
JUDGE

19.05.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.