

**Balbir Chand, and anr. Vs. State of Punjab.**

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**SooperKanoon Citation :** [sooperkanoon.com/916698](http://sooperkanoon.com/916698)

**Court :** Punjab and Haryana

**Decided On :** Dec-01-2010

**Judge :** Mehinder Singh Sullar, J.

**Acts :** Indian Penal Code (IPC) - Sections 420, 465, 467, 468, 471, 120B; Code of Criminal Procedure (CrPC) - Section 438

**Appeal No. :** CRM No.M-31692 of 2010

**Appellant :** Balbir Chand, and anr.

**Respondent :** State of Punjab.

**Advocate for Def. :** Mr.Jaspreet Singh, Adv.

**Advocate for Pet/Ap. :** Mr.Sanjiv Pandit, Adv.

**Judgement :**

1. Petitioners Balbir Chand son of Garib Dass and Kulwant Singh son of Hari Ram, have instituted the present petition for anticipatory bail in a case registered against them alongwith their other co-accused, namely, Balihar Singh and Balwinder Singh, by virtue of FIR No.56 dated 1.10.2010 for commission of the offences punishable under sections 420, 465, 467, 468, 471 and 120-B IPC IPC by the police of Police Station Sadar Mehtiana, District Hoshiarpur, invoking the provisions of section 438 Cr.PC.
2. Notice of the petition was issued to the State.
3. After hearing the learned counsel for the parties, going through the record with their valuable assistance and after deep consideration over the entire matter, to my mind, the present petition deserves to be accepted in this respect.
4. At the very outset, the petitioners were directed to join the investigation. The learned State counsel, on instructions from SI Rajiv Kumar, has stated that the petitioners have already joined the investigation and they are no longer required for further interrogation at this stage. Nothing is to be recovered from them.
5. What is not disputed here is that all the allegations mentioned in the FIR are assigned to main accused Balihar Singh and Balwinder Singh. Subsequently, the prosecution claimed that the petitioners have wrongly verified Balihar Singh accused at the time of issuance of his passport. No other role or overt act is attributed to them. There is no history of their previous involvement in any criminal case. The police have also failed to apprehend main accused Balihar Singh. Although there are direct allegations against Balwinder Singh, co-accused of the petitioners in the FIR, but he was found innocent, for the reasons best known to the Investigating Officer. Moreover, all the offences alleged against the petitioners are triable by the Court of Magistrate.
6. So, taking into consideration the totality of the facts and circumstances, emanating from the record, as

described here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of the trial of the case, to me, the present petitioners are entitled to anticipatory bail in the obtaining circumstances of the present case.

7. Consequently, it is directed that in the event of their arrest, the petitioners shall be released on anticipatory bail on their furnishing bail and surety bonds in the sum of Rs.10,000/- each to the satisfaction of Arresting Officer, subject to the conditions that (i) they shall make themselves available for interrogation by the Investigating Agency as and when required; (ii) they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and (iii) they will not leave India without prior permission of the trial Court.

8. Needless to mention that if the petitioners do not cooperate or join the investigation, the prosecution would be at liberty to move an application for cancellation of their bail, in this relevant direction.

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