
(2018) 05 J&K CK 0019
In the Jammu And Kashmir High Court
Case No : B.A. NO. 68 OF 2016

KULBIR SINGH

APPELLANT

Vs

STATE AND ORS

RESPONDENT

Date of Decision : 15-05-2018

Acts Referred:

Jammu and Kashmir State Ranbir Penal Code, 1989 — Section 420, 467, 468, 471
Code of Criminal Procedure, 1973 — Section 561A
Indian Evidence Act, 1872 — Section 27

Citation : (2018) 05 J&K CK 0019

Hon'ble Judges : SANJAY KUMAR GUPTA

Bench : Single Bench

Final Decision : Disposed Of

Judgement

1. This matter is pending since 2016, but objections have not been filed till today.Â Applicant/petitioner has filed the instant bail application for grant of anticipatory bail in FIR No. 395/2016 registered against him under Sections 420/467/468/471 RPC.

2. The case of the petitioner is that on 06.10.2016, a complaint was received from the Sub Registrar (Munsiff) Kathua, wherein it is mentioned that on

05.10.2016 when the Sub Registrar was sitting in the Court for registration of the documents, one document for registration of the Mortgage Deed as

collateral security was presented before him by Mr. Kirty Bhusan Mahajan, Advocate, in present of the parties, the same was marked and report was

sought from the concerned clerk.Â After perusal of the document and photo copies of the stamps annexed, he found overwriting over some of the

serial numbers of stamp papers and accordingly asked the said Advocate for clarification who presented original stamp papers worth Rs.25,000/-

along with hypothecation agreement with the bank. The perusal of the said stamps reveals that out of total stamp papers worth Rs.25, 000/- serial

numbers of 23 stamps worth Rs.1000/- each was found tampered. In order to verify the veracity of said stamps, the Magistrate summoned Stamp

Vendor- Kulbir Singh, Licence No.57, along with register and on comparison said stamps and the register, it was observed that some of the stamps

which were sold on 26.08.2016 to one Pyar Singh were again reused on 03.10.2016 in favour of M/s Orbit Spinning Pvt. Ltd., as such, the Sub

Registrar opined that prima facie a cognizable offence is made out. On compliant of Sub Registrar (Munsiff) Kathua to SHO Police Station Kathua,

this culminated into filing of FIR on 06.10.2016. The copy of said FIR was also forwarded to Sub Registrar Kathua as well as Deputy

Commissioner, Kathua. The endorsement No.2 as reflected in the FIR itself speaks to Deputy Commissioner, Kathua to look into the matter under

the mandate of Stamp Act and Duty and on the basis of which police Kathua straightway lodged the FIR.

3. It is further case of the petitioner that he has approached before High Court and filed a petition under Section 561-A Cr.P.C., which is pending adjudication.

4. Apprehending his arrest, the petitioner had filed an application for grant of anticipatory bail before the learned Sessions Judge, Kathua, who has rejected the said application vide order dated 29.10.2016.

5. In this petition, it has been stated that he is law abiding citizen; that he is working as stamp vendor in Kathua Court since 17 years; that he issued

stamps to one Pyar Singh, but when he did not turn up and gave money, he gave the stamps to M/S Orbit Spinning Private Ltd, by changing the name

on stamps. That there was no bad intention on his part.

6. I have considered all aspects of the matter. From the bare perusal of reports of Registry, it is evident that despite so many opportunities, State has

not filed objections. Even order dated 5.5.2017 would reveal that this court categorically held that in case response is not filed then the matter shall be

heard in absence of response.

7. Even conduct of police is strange, because police has not arrested the applicant/petitioner till today despite the fact that Sessions Judge Kathua has

already dismissed the petition and this court has not granted any interim bail.

This conduct of police reveals that they are in hand in gloves with accused.

8. No useful purpose will be fulfilled in keeping the bail pending. So keeping in view the facts and circumstances of the case, this Bail application can be disposed of at this stage, by directing the police concerned that in case applicant/petitioner is arrested in FIR No. 395/2016, he shall be released on bail, subject to furnishing of personal bond of Rs.25,000/- along with one surety bond of the like amount.Â Applicant/petitioner is directed to appear before the Investigating Officer of the concerned Police Station on Monday i.e., 21.05.2018 and he will participate in the investigation continuously for seven days. Any recovery effected shall be deemed to be effected under section 27 of Evidence Act. Petitioner is further directed not to leave the jurisdiction of the Court without prior permission.Â He shall not tamper with the prosecution evidence.Â Â Â Â Â Any violation of conditions shall amount to cancellation of bail.Â

9. In view of the above, Bail Application is disposed of.

10. Petition bearing CRMA No. 532/2016 is segregated and the same shall be heard separately on 12.07.2018.