

CRM-M-35776-2016

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

CRM-M-35776-2016

Date of Decision: 05.12.2016

Assa Ram

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Naveen Sharma, Advocate,
for the petitioner.

Ms. Shivali, AAG, Punjab.

Mr. Saravpreet Gurna, Advocate,
for the complainant.

INDERJIT SINGH, J.

Petitioner, Assa Ram has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.15 dated 28.01.2011, registered at Police Station Salem Tabri, District Ludhiana, under Sections 419, 420, 465, 467, 471 and 468 IPC and Section 12 of the Passport Act, 1967.

Notice of motion was issued in this case. Learned State counsel put in appearance on behalf of the respondent-State and the complainant also appeared through his counsel. They contested this petition.

I have heard learned counsel for the petitioner; learned State counsel as well as learned counsel for the complainant and have gone through the record.

CRM-M-35776-2016

At the time of arguments, learned counsel for the petitioner argued that the petitioner is residing in Italy for the last so many years. The FIR has been got registered by Amarjeet Singh, brother of the petitioner with whom the petitioner has litigation and dispute regarding property. Learned counsel for the petitioner has brought into notice that passport is in the name of the petitioner on which he has gone to Italy and further also visited India on the same passport so many times. There was no necessity for the petitioner to have any other passport. He also argued that there is no such passport obtained by the present petitioner in the name of Husan Lal. When a specific question was put up to learned State counsel as to whether there is any document to show that the present petitioner applied for the passport in the name of Husan Lal, he replied in negative.

From the perusal of record, I find that FIR, in the present case, has been registered in the year 2011 and almost six years have lapsed which means during this period, no such document connecting the accused with the offence has been collected by the police. The fact that the present petitioner has been declared proclaimed offender is of no consequence, when no evidence is there to connect him with the crime or any document to show *prima facie* that he applied for second passport.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case and no useful purpose will be served by sending the petitioner to custody, I find merit in this petition and the same is allowed. It is ordered that in the event of arrest, the

CRM-M-35776-2016

petitioner be released on anticipatory bail subject to his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

It is also made clear that if after collecting any evidence showing that the present petitioner applied for second passport in the name of Husan Lal, then the investigating officer can direct him to join the investigation by giving sufficient time and the petitioner will join the same.

05.12.2016

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No