

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

Sr. No.105

CRM-M No.15192 of 2017

Date of decision: 03.05.2017

Sarabjit Singh

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Kehar Singh Hissowal, Advocate
for the petitioner.

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DEEPAK SIBAL, J. (Oral)

Through the present petition filed under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in FIR No.242 dated 14.12.2016, registered under Sections 420, 465, 467, 468, 471 IPC, at Police Station City Moga, District Moga.

The case of the prosecution is that through judgment dated 01.06.2009 passed by the Additional District and Sessions Judge, Moga, the petitioner was convicted for an offence under Section 302 IPC. He had challenged the aforesaid judgment before this Court through CRA No.605-DB of 2009 in which after admission, on 21.10.2010, this Court had ordered suspension of the petitioner's sentence. The appeal is still pending.

While on bail in the aforesaid appeal, the petitioner applied for his passport to the Passport Office, Amritsar. Alongwith his application, he appended therewith a fabricated copy of the aforesaid judgment dated 01.06.2009 passed by the Additional District and Sessions Judge, Moga,

showing himself to have been acquitted therein when factually, through such judgment, he had been convicted.

The afore-fact came to light when through letter dated 12.01.2015, the Passport Office, Amritsar, wrote to the District and Sessions Judge, Moga to enquire about the genuineness of the aforesaid judgment dated 01.06.2009. The District and Sessions Judge, Moga, responded to the above letter and informed the Passport Office, Amritsar, that the copy of the judgment appended by the petitioner was fabricated. Since such act on the part of the petitioner was allegedly committed by him while he was on bail which had been granted by this Court, the above information was also sent by the District and Sessions Judge, Moga, to this Court on its administrative side. Such information had been responded to by this Court through letter dated 11.07.2016 asking the District and Sessions Judge, Moga, to take action in accordance with law.

Since letter dated 11.07.2016 found reference in the order dated 14.03.2017 passed by the Additional Sessions Judge, Moga, through which the petitioner's application for anticipatory bail was dismissed, such letter, alongwith the relevant record was summoned by me from the office of Registrar General, Punjab and Haryana High Court, Chandigarh and perused.

It is in the above circumstances that the FIR in which the petitioner seeks anticipatory bail was lodged against him.

The allegations against the petitioner are grave of having fabricated a judgment of a Court to obtain undue benefit and such act on his part assumes a higher degree of culpability, when such act is allegedly being done by him while he was on bail.

A perusal of the order dated 14.03.2017 passed by the Additional Sessions Judge, Moga, through which the petitioner's application for anticipatory bail was dismissed shows that while making the abovesaid application to the Passport Office, Amritsar, the petitioner had not only appended a fabricated copy of the judgment dated 01.06.2009 but he had, with impunity, also appended his signatures on each and every page of that judgment in token of its self-attestation.

In view of the gravity of the alleged offence as also for the reason that the petitioner has misused the concession of bail granted to him by this Court in CRA No.605-DB of 2009, I do not consider the present case to be a fit one for the grant of concession of anticipatory bail.

Dismissed.

After obtaining appropriate orders from Hon'ble the Chief Justice, the matter be now placed before a Division Bench, as per roster, to consider whether in the above circumstances, the bail granted to the petitioner in CRA No.605-DB of 2009 needs to be cancelled.

(DEEPAK SIBAL)
JUDGE

May 03, 2017
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<i>(i) Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>(ii) Whether reportable</i>	<i>Yes/No</i>