

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

(1)

Crl. Misc. No.M-26813 of 2017 (O&M)

Date of Decision: August 23, 2017

Joginder Pal

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

(2)

Crl. Misc. No.M-28236 of 2017 (O&M)

Manjeet Kaur

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Gaurav Partap Singh Pathania, Advocate
for the petitioner (s).

Ms. Rajni Gupta, Senior D.A.G. Punjab.

SURINDER GUPTA, J.(Oral)

Both the aforementioned petitions have been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioners in case FIR No.63 dated 21.05.2017 registered for the offences punishable under Sections 419, 420, 467, 468, 471 of Indian Penal Code (for short-IPC) and Section 120-B IPC added later on, at Police Station Sujanpur, District Pathankot.

Heard.

As per case of the prosecution, Saidul Amin, who was originally resident of Burma (Myanmar), was arrested by the police at village Jhabbal, when he crossed over to India along with his family and reached there and

was convicted. After his release in year 2013 he started living in Madhopur, with assumed name of Lalla Khan. After some period of his residing there, he applied for entry of his name in the birth register by moving application stating therein that he (Lalla Khan) was born on 16.07.1995 at Madhopur Cantt., Pathankot to Julekha and gave his father's name as Abdul Khan. His declaration to this effect was certified by petitioner Joginder Pal, Member Panchayat and petitioner Manjeet Kaur in her capacity as Sarpanch. Both also certified the information given by Saidul Amin (Lalla Khan) regarding his date and place of birth as correct and on their recommendation, local authorities forwarded application of Lalla Khan for incorporation of his name in the Register of Births maintained by Registrar, Birth and Death, Pathankot. After getting his birth certificate, said Saidul Amin fabricated other documents such as his identity and address proof and applied for passport. The matter came to the notice of police at that juncture and he was arrested again. Petitioners have facilitated a foreign national to get his identity as Indian national.

The petitioners being Member Panchayat and Sarpanch of the village were holding responsible posts and the civil authorities have acted by relying on their certification that Lalla Khan (Saidul Amin), who is a Burmese national was born in Madhopur and is Indian citizen.

Keeping in view the above facts, I do not find it to be a fit case to extend the benefit of pre-arrest bail to the petitioners. Their bail application have no merits.

Dismissed.

August 23, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No