

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

**Criminal Misc. No. M-8775 of 2017
Date of Decision:-21.7.2017**

Parminder Kaur

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Gaurav Chopra, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. Indresh Goel, Advocate
for the complainant.

HARI PAL VERMA J.

Prayer in this petition filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.14 dated 17.2.2017 registered under Section 420 IPC, registered at Police Station Phase-VIII, District SAS Nagar, Mohali.

The allegation against the petitioner is that the petitioner has withheld some crucial information that FIR No.293 dated 12.1.2013, under

Sections 406, 420, 120-B IPC, registered at Police Station Phase-I, SAS Nagar, Mohali which was registered against her and the same was pending at the time when she applied for passport in the month of March 2014.

Learned counsel for the petitioner states that in view of the passport application form, in para 8, the required information was as under :-

“Have you ever been charged with criminal proceedings or any arrest warrant/summon pending before a Court in India ?”

He further states that in view of the aforesaid condition, the petitioner was required to furnish information as to whether she had ever been charged with criminal proceedings or any arrest warrant/summon are pending against her before a Court of Law in India. Since neither any charge was framed nor any criminal proceedings or arrest warrant or summon were pending before any Court in India, the petitioner had filled up the application form affirming as under :-

“I have not been charged with criminal proceedings nor is there any arrest warrant or summon pending before any Court of Law in India against me. During the 5 years immediately preceding the date of this application, I have not been convicted by any Court of Law in India for any criminal offence and sentenced to imprisonment for two years or more.”

Thus, learned counsel for the petitioner has argued that since no charge was framed or any warrant were issued against her, the petitioner has not withheld any information and has submitted the required affidavit in

the prescribed format.

Pursuant to the order dated 20.7.2017, the Senior Superintendent of Police, SAS Nagar, Mohali is present in person before the Court to assist the learned State counsel in the case.

Learned State counsel has argued that the petitioner was required to submit the information regarding any previous charge with any criminal proceedings including the registration of an FIR as well. Therefore, it was incumbent upon the petitioner to disclose the fact as to whether any FIR had been registered against her as that is a relevant condition for the purpose of issuance of the passport.

I have heard learned counsel for the parties.

This Court does not find that the petitioner has withheld any crucial information as is being alleged. In view of the Clause-VIII of the passport application form, the petitioner was required to give information only with regard to the fact that whether petitioner had ever been charged with criminal proceeding or any arrest warrant or summon was pending against her in any Court of Law in India.

Since the petitioner was neither charged with criminal proceeding nor any arrest warrant or summons were pending against her, she has clearly submitted that she has not been charged with criminal proceedings nor is there any arrest warrant or summon pending before any Court of Law in India against her. Thus, in this manner she has not concealed any crucial fact in the case. Therefore, the petitioner is admitted on interim bail subject to her joining the investigation as and when so

warranted by the Court.

Disposed of.

July 21, 2017
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No