

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

**Criminal Misc.No.M-48930 of 2017 (O&M)**  
**Date of decision : 09.05.2018**

Sagar

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI**

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Present: Mr. Kushagra Mahajan, Advocate  
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

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**RAJ SHEKHAR ATTRI, J.(Oral)**

The petitioner has preferred the instant petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.42 dated 09.11.2016, registered under Sections 419, 420, 467, 468, 471, 120-B IPC at Police Station Airport, District Amritsar.

The said FIR was lodged by Immigration Officer, Sri Guru Ram Dass Ji International Airport, Amritsar, to the effect that the petitioner was found having in his possession fake passport, visa and other travel documents. It is alleged in the FIR that during departure, immigration clearance of Qatar Airways flight No.QR-551, Qatar Airways Staff brought one passenger namely Arjan Singh having passport No.800702240, issued by the United Kingdom, affixed with visa No.V13598602 at Immigration Office of aforesaid airport but the same were found to be fake. It has been further stated in the FIR that fake passport, visa and other travel documents were procured by petitioner Sagar.

I have heard learned counsel for the parties.

Submitting fake passport and visa is increasing in this part of the country. The petitioner has fabricated forged passport, visa and other travel documents and handed over the same to passenger Arjan Singh.

The remedy of anticipatory bail is extraordinary and should be used in exceptional cases. The Hon'ble Supreme Court in ***Siddharam Satlingappa Mhetre vs. State of Maharashtra and others 2011 AIR (SC) 312*** pleased to issue the following parameters:-

*“122. The following factors and parameters can be taken into consideration while dealing with the anticipatory bail :*

- i. The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;*
- ii. The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a Court in respect of any cognizable offence;*
- iii. The possibility of the applicant to flee from justice;*
- iv. The possibility of the accused's likelihood to repeat similar or the other offences.*
- v. Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her.*
- vi. Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people.*
- vii. The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the exact role of the accused in the case. The cases in which accused is implicated with the help of sections 34 and 149 of the Indian Penal Code, the court should consider with even greater care and caution because over implication in the cases is a matter of common knowledge and concern;*
- viii. While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors namely, no prejudice should be caused to the free, fair and full investigation and there should be prevention of harassment, humiliation and unjustified*

*detention of the accused;*

*ix. The court to consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;*

*x. Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail.”*

Keeping in view the facts in totality, this Court is of the view that the petitioner is not entitled to the concession of anticipatory bail.

Accordingly, the instant petition stands dismissed.

**09.05.2018**  
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**( RAJ SHEKHAR ATTRI )**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No