

In virtual Court

CRM-M-41571-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41571-2020 (O&M)
Date of decision: 17.12.2020

Debasish Chakraborty

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. N.K. Jaglan, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.360 dated 20.08.2020 under Sections 420, 467, 468, 471, 474, 201, 120-B IPC, Section 12(I)(B) of Passport Act and Section 7 of PC Act, registered at Police Station City Tohana, District Fatehabad.

Learned counsel for the petitioner relies upon the order dated 14.12.2020 passed in CRM-M-40461-2020, vide which co-accused Surbir Singh Grover and one another accused have been granted the concession of regular bail. The operative part of the order reads as under: -

“Counsel for the petitioners submits that the petitioners are the Afgan Sikhs, who have been issued certificate of ‘Naturalization’, under the Citizenship Act, 1955 by the Ministry of Home Affairs

(Government of India) under the signatures of Indian Authorities under Rule 28 of the Citizenship Rules, 1956.

Counsel for the petitioners further submits that the petitioners have applied for passport through an agent, who is the main accused. Counsel for the petitioners further submits that, in fact, the petitioners fell in a trap of the travel agents, namely, Deepak Puri and Monu Sachdeva and they, by faking certain documents, tried to get the passport of many persons, as mentioned in the FIR, prepared. Counsel for the petitioners also submits that, in fact, the petitioners themselves are the victims of fraud committed with them and the investigation, qua the petitioners, is complete and they are no more required for further investigation.

Learned State counsel has, however, submitted that the petitioners have tried to get their passport by attaching fake documents.

After hearing counsel for the parties, considering the allegations in the FIR and the defence set up by the petitioners, this petition is allowed and the petitioners are directed to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any

manner.”

Learned counsel for the petitioner submits that the petitioner was not named in the FIR and his name has surfaced on the basis of disclosure statement of co-accused.

Learned State counsel has not disputed the factual position and submits that challan stands presented on 04.12.2020.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid submissions made by learned counsel for the parties and the fact that the offences are triable by the Court of Magistrate, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

17.12.2020
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No