

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

**CRM-M No.5122 of 2021 (O&M)
Decided on: 10.02.2021**

Sukhdev

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. C.R. Dahiya, 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 to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.360 dated 20.08.2020, for offence punishable under Sections 420, 467, 468, 471, 120-B of the Indian Penal Code, 1860 (in short 'IPC'), 12(1) B of the Passport Act, 1967 (Sections 474, 198, 201 IPC and 7, 18, 12 of the Prevention of Corruption Act, 1988 and 66-C, 66-D of the Information Technology Act, 2000 added later) registered at Police Station City Tohana, District Fatehabad.

Counsel for the petitioner has submitted that the petitioner is a working as Assistant Superintendent in the office of the Regional Passport Office, Chandigarh and has a considerable long service record. It is further submitted that the name of the petitioner surfaced in the FIR on the basis of the disclosure statement of the co-accused Rajvinder Singh and Monu Sachdeva that they, in conspiracy with the petitioner used to get the fake passports of various persons prepared

and in that process, they used to take money. Counsel for the petitioner has relied upon the order dated 21.01.2021 passed in CRM-M No.2360 of 2021, vide which the another employee namely Rajvinder Singh, who was working in the Postal Department was granted the concession of regular bail. The operative part of the said order reads as under:-

“As per allegations in the FIR, a complaint was received in which it is alleged that passport applications of Fatehabad District, were verified the Security Cell, Office of Superintendent of Police, Fatehabad through local police station and the same were sent to the Regional Passport Office. On verification of the original applications, mobile No. 7528983071 was found. On suspicion, when efforts were made to contact the aforesaid number, the same was found to be switched off.

Thereafter, verification was done through SHO, Police Station City Tohana and it was found that the applicants were not residing at the given address and the present FIR was registered.

Learned senior counsel for the petitioner submits that petitioner was posted as postman in the Postal Department and was not named in the FIR. On the disclosure of the co-accused-Anil Bhatia, name of the petitioner was cropped up and it was stated that Anil Bhatia, used to get information from petitioner-Rajvinder Singh about receiving of passports and in that process Rs.200/300/- were given to the petitioner.

Learned counsel further submits that petitioner is not involved in any other case. He is in custody since 16.11.2020 and investigation is complete. One of the co-accused, namely; Debasish Chakraborty, has also been granted the concession of regular bail vide order dated 17.12.2020 in CRM-M-41571-2020.

Learned State counsel has not disputed the factual position. However, he submitted that challan is yet to be presented.”

Counsel for the petitioner has further submitted that since the petitioner is a government servant, therefore, there is no possibility for him to abscond from the Court proceedings. It is further argued that

the petitioner is in custody since 14.01.2021 and challan qua the petitioner is yet to be presented.

Counsel for the State, on instructions from the Investigating Officer, has not disputed the factual position but opposed the prayer for bail. It is further submitted that the name of the petitioner surfaced in the case on the basis of the disclosure statement of co-accused Pritam Singh and Monu Sachdeva. It is also submitted that there are call details between the petitioner and the co-accused.

Without commenting anything on merits of the case, considering the fact that the co-accused of the petitioner has already been granted the concession of regular bail; challan against the petitioner is yet to be presented; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is 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.

(ARVIND SINGH SANGWAN)
JUDGE

10.02.2021

yakub

Whether speaking/reasoned Yes/No

Whether reportable: Yes/No