

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-7131-2021 (O&M)

Date of decision: 22.02.2021

Amrik Singh and another

... Petitioners

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. C.R. Dahiya, Advocate
for the petitioners.

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, 120-B IPC and Section 12(1)(B) of Passport Act (Sections 474, 198, 201 IPC, Sections 7, 18, 12 of PC Act and Sections 66C, 66D of IT Act were added later on), registered at Police Station City Tohana, District Fatehabad.

Learned counsel for the petitioners relies upon the order dated 10.02.2021 passed in CRM-M-5122-2021, vide which Sukhdev, who is also working as Assistant Superintendent in the office of RPO, has been granted the concession of regular bail. The operative part of the order reads as under: -

“...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...”

Learned counsel for the petitioners submits that names of the petitioners have been surfaced in the disclosure statement of co-accused Pritam and they are in judicial custody for the last about 04 months and 23 days and they are not involved in any other case.

Learned State counsel has filed the custody certificate in the Court today and has not disputed the factual position.

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, this petition is allowed and the petitioners are directed to be released on regular bail subject to furnishing their bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

22.02.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No