

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: July 28, 2021

1. CRM-M-11694-2021

Pritam Singh

...Petitioner

Versus

State of Haryana

...Respondent

2. CRM-M-25544-2021

Debasish Chakraborty

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. J.K.Goel, Advocate,
for the petitioner in CRM-M-11694 of 2021.

Mr.Naveen Kumar Jaglan, Advocate,
for the petitioner in CRM-M-25544-2021.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioners have filed these separate petitions under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.450 dated 02.10.2020 registered under Sections 120-B, 420, 467, 468, 474 and 471 Indian Penal Code, 1860 and Section 12 (i) (b) Passport Act, 1967 at Police Station City Tohana, District Fatehabad. The petitioners are in custody since their arrest on 26.12.2020.

The contents of the FIR, as noticed by the learned Additional Sessions Judge, Fatehabad in the order dated 04.03.2021 (Annexure P-6 in CRM-M11694-2021) are as under:

“As per the police reply on 02.10.2020, Inspector Jagdish Chander, Incharge Special Investigation Team, Fatehabad sent a letter to police station that during investigation of case FIR No.360 dated 20.08.2020 Under Sections 420, 467, 468, 471, 474, 120-B, 201 of IPC and Section 12 (I)B of Passport Act, Police Station, City Tohana accused Anil Bhatia son of Ram Kishan resident of House No.569A/19, Bhatia Nagar, Tohana, Monu Sachdeva son of Jang Bahadur resident of 9/6, Moti Nagar, West New Delhi, Kulbir Singh son of Ranjit Singh, resident of WZ 505, Gali No.26, Shiv Nagar, First Floor, Jail Road, New Delhi, Jayant Singh son of Ram Kumar, resident of Kotiyas Kasimpur, District Aligarh, UP at present D-5, Sudarshan Park near Kuraishi Meat Shop, New Delhi, Pritam Singh son of Lal Singh, resident of Dehchand, Police Charthawal, District Mujjafarnagar, UP at present House No. 4135, Mouli Jagran Complex, Chandigarh disclosed during investigation of said case FIR that they besides getting prepared 29 fake passports relating to said case FIR also got prepared other passports on the basis of fake names and addresses. It was also mentioned in the said letter that accused Anil Bhatia got prepared 21 fake passports in the names of different persons in the area of Tohana Therefore, the, present case FIR was registered.”

Learned counsel for the petitioners contend that the petitioners are in custody for a long period and the trial is likely to consume considerable time to conclude as the charges have not been framed so far, despite the final report stands filed on 12.03.2021. He submits that similarly situated co-accused of the petitioners, Kulbir Singh, has already been extended the concession of regular bail by this court vide order dated

27.04.2021. They pray for bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by Inspector Inderjit Singh, on the ground that the petitioner Pritam Singh is involved in two more cases, whereas petitioner Debashish Chakraborty is involved in one another case. However, it is not disputed by him that the co-accused Kulbir Singh has been released on regular bail.

At this stage, learned counsel for the petitioners have pointed out that the allegations contained in the present FIR are similar to the allegations contained in case FIR No.360 dated 20.08.2020, under Sections 420, 467, 468, 471, 474, 120-B, 201 IPC and Section 12(1)(B) Passport Act, Police Station, City Tohana and in the said case, the petitioners have already been released on regular bail. According to them, the prosecution is to examine fifty seven witnesses and it would take considerable time to conclude the trial and they reiterated their prayer for bail.

After hearing the learned counsel for the parties, considering the custodial period of the petitioners and the fact that similarly situated co-accused of the petitioners has already been released on regular bail, this Court is of the opinion that the further custody of the petitioners may not be necessary for any useful purpose, who are presently confined in judicial custody after their arrest on 26.12.2020, as the trial is yet to commence and it may take considerable time to conclude.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioners be released on regular bail subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty

Magistrate, Fatehabad.

July 28, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No