

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

CRM-M-16394-2021

Date of decision-27.04.2021

Kulbir Singh

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. C.K.Singla, Advocate for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition 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 and 471 Indian Penal Code, 1860 and Section 12 (i) (b) Passport Act, 1967 at Police Station City Tohana, District Fatehabad. The petitioner is in custody since his arrest on 08.09.2020.

The allegations as noticed by the learned Additional Sessions Judge, Fatehabad in the order dated 03.02.2021 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 Muzaffarnagar, 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 petitioner has argued that initially the petitioner was indicted as an accused in case FIR No.360 dated 20.08.2020 for the offences under Sections 420, 467, 468, 471, 474, 201 and 120-B IPC, Section 12 (i) (b) Passport Act, 1967 and Section 7 of Prevention of Corruption Act, 1988, wherein the concession of regular bail was extended to him vide order dated 26.02.2021 (Annexure P-2). He contends that present FIR No.450 dated 02.10.2020 contains the similar allegations regarding preparation of fake documents for preparing passports. He submits that investigation in the case is complete, therefore, further custody of the petitioner may not be necessary as the trial is likely to consume considerable time to conclude. He prays for bail.

On the other hand, learned State counsel assisted by Inspector Inderjit Singh has opposed the prayer, however, it is not

disputed that the petitioner is on regular bail in first case as his co-accused were also released on regular bail. He has further pointed out that though the petitioner was not named in the FIR, but petitioner was implicated in this case. He on instructions further states that final report stands filed on 12.03.2021 and the trial is yet to commence.

After hearing the rival submissions of learned counsel for the parties and considering the above background, this Court finds that the trial in the case is yet to commence. Apart from it, the belligerent re-emergence of pandemic COVID-19 in the region has once again forced the state Governments of Punjab, Haryana and U.T. Administration, Chandigarh to impose various restrictions to clamp down the contagion, and it would further delay the conclusion of trial. Therefore, further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 08.09.2020.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

27.04.2021

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No