

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

Date of decision: 15.12.2021

(1) CRM-M No.11057 of 2021

Arvind Kumar Thakur

Petitioner

Versus

State of Punjab

Respondent

(2) CRM-M No.1185 of 2021

Rajinder Singh

Petitioner

Versus

State of Punjab

Respondent

(3) CRM-M No.20814 of 2021

Sukhwant Singh

Petitioner

Versus

State of Punjab

Respondent

(4) CRM-M No.21038 of 2021

Kulwinder Singh

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vinod Ghai, Sr. Advocate with
Ms. Kanika Ahuja, Advocate for
the petitioner (in CRM-M-11057-2021).

Mr. R.S. Warraich, Advocate
for the petitioner (in CRM-M-1185-2021).

Dr. Anmol Rattan Sidhu, Sr. Advocate with
Ms. Mandeep Kaur, Advocate
for the petitioner (in CRM-M-20814-2021).

Mr. Arshdeep Singh Brar, Advocate
for the petitioner (in CRM-M-21038-2021).

Mr. Amit Mehta, Senior DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

These four petitions under Section 439 Cr.P.C. are filed seeking regular bail in FIR No. 410 dated 28.10.2020 under Sections 420, 421, 466, 467, 468, 471, 167, 120-B IPC, Section 12 of Passports Act, 1967 and Sections 7, 8, 13(2) of the Prevention of Corruption Act, 1988, registered at Police Station Zirakpur, District SAS Nagar.

The initiation point for registering the FIR was an information received from Community Policing SAS Nagar. The information was that verification of antecedents of Sarabjit Singh was not done properly by Passport Verification Officer-Constable Rajinder Singh (petitioner in CRM-M-1185 of 2021). The applicant was not found residing on the address given in the application, his Aadhaar card and Matriculation certificate were found fake. Further, it was found that one Gurbir Singh had applied for passport by changing his name as Raj Kumar @ Raju. Similar were the allegations against Sandeep (real name Ashish). Sarabjit Singh, Gurbir Singh (real name Raju @ Raj Kumar) and Constable Rajinder Singh were named in the FIR. During investigation, Constable Rajinder Singh was arrested on 29.10.2020. He made disclosure of verification of 41 fake

passports. He named Constable Sukhwant Singh (petitioner in CRM-M-20814 of 2021). Sukhwant Singh was arrested on 2.11.2020, he disclosed name of Raman Kumar and stated that he used to provide the details of persons who had applied for passports on basis of fake documents and verification of their antecedents was to be done. Raman Kumar on arrest named Arvind Kumar Thakur (petitioner in CRM-M-11057 of 2021) and Gurminder Singh. Arvind Kumar Thakur was arrested on 2.12.2020. The role attributed to him was that he acted as a link between the customers and the persons who had to arrange fake passports. Kulwinder Singh was nominated as an accused on 17.3.2021 and was arrested. He was the person who applied for a passport through Arvind Kumar Thakur by giving his address of Zirakpur whereas he was resident of District Bathinda. The reason for doing so was that he was involved in an NDPS Act case.

It would be appropriate to note that challans against all the petitioners have been presented, though the charges are yet to be framed.

CRM-M-11057 of 2021

Mr. Vinod Ghai, Senior Advocate appearing for the petitioner-Arvind Kumar Thakur submits that the petitioner was named in the disclosure statement, no recovery was made from the petitioner, there is no allegation that he forged any document. At best the case of the prosecution is that he was procuring clients in the scam.

Learned counsel for the State opposes the prayer for grant of bail. He submits that the petitioner was not only procuring the clients but was keeping major share of the money charged and was distributing the balance amount to other co-accused.

CRM-M-1185 of 2021

Mr. R. S. Warraich, Advocate appearing for the petitioner submits that no recovery is to be made from the petitioner, he is a police official and there is no chance of his absconding.

Learned counsel for the State opposes the prayer for grant of bail. He submits that the petitioner was the master-mind and actually he made the verification reports without conducting actual verification. The contention is that he failed to discharge his official duty.

CRM-M-20814 of 2021

Dr. Anmol Rattan Singh, Senior Advocate appearing for the petitioner submits that the petitioner was named in the disclosure statement, the petitioner was not posted as Passport Verification Officer, only mobile was recovered.

Learned counsel for the State opposes the prayer for grant of bail. He submits that the petitioner was working as Head Constable, he was getting Rs.10,000/- for each passport verification got done through co-accused Rajinder Singh.

CRM-21038 of 2021

Mr. A. S. Brar, Advocate appearing for the petitioner submits that the petitioner was a victim in the hands of other co-accused. There is no allegation that he himself forged any document.

Learned counsel for the State opposes the prayer for grant of bail. He submits that the petitioner was an under trial in another case, it was his attempt to abscond that changed address was used to procure a passport.

Learned counsel for the State further submits that considering

the nature of allegations against all the petitioners, there is an apprehension that they may abscond, if bail is granted. The contention is that since the matter is still under investigation, there may be an occasion where voice samples of the petitioners may be required.

Learned counsel for the petitioners submit that their clients would surrender passports, if possessing one. On instructions, it is submitted that the petitioners volunteer to give voice sample, if needed.

Petitioners-Arvind Kumar Thakur, Rajinder Singh and Sukhwant Singh are in custody for almost one year. Petitioner-Kulwinder Singh is in custody for almost nine months. The investigation qua them is complete but charges are yet to be framed. As on date, there are total thirty five prosecution witnesses. No recoveries are to be made from the petitioners. The names of petitioners, Arvind Kumar Thakur and Sukhwant Singh surfaced in the disclosure statements. The fact that conclusion of trial is likely to take long time cannot be ignored to balance fair trial and the rights enshrined under Article 21 of the Constitution of India, the petitioners are granted bail subject to their furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petitioners would surrender their passports within one week of their release and will inform the concerned police station in case there is any change in their residential address during trial.

Considering the allegations against Kulwinder Singh, it would be appropriate to impose further conditions to ensure his presence during the trial. He will give his active mobile number to the Investigating Officer.

He shall keep the mobile operational during the pendency of the trial and in case of any occasion to change the mobile number, he will inform the Investigating Officer in advance.

The petitions are allowed.

Misc. applications, if any pending, also stand disposed of.

However, nothing stated above shall be taken as an expression of opinion on the merits of the case.

Photocopy of the order be placed on the file of each connected case.

[AVNEESH JHINGAN]
JUDGE

15th December, 2021
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| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable | : | Yes /No |