

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-22072-2021

DATE OF DECISION: JUNE 11, 2021

PALWINDER SINGH

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. NAVEEN KUMAR JAGLAN,
ADVOCATE FOR THE PETITIONER.

KANWAR SANJIV KUMAR, AAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.450 dated 2.10.2020, under Section 420, 467, 468, 471, 120-B IPC and Section 12(I) B Passport Act, Police Station City Tohana, District Fatehabad. The petitioner is in custody since his arrest on 23.10.2020.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Fatehabad, in the order dated 6.4.2021, 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 petitioner contends that the co-accused of the petitioner has already been granted bail vide order dated 27.4.2021 (Annexure P-2). Learned counsel has further produced the Covid-19 test report of Alka Athwal (wife of the petitioner) to contend that she has been tested positive for the disease and is in home isolation. According to him, his further custody may not be necessary and in case he is released on bail, he will be able to take care of his minor children and ailing wife. He prays that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned State counsel assisted by Inspector Inderjit Singh has opposed the aforesaid prayer and pointed out that the petitioner is involved in another case, i.e. FIR No.360 dated 20.8.2020, under Section 420, 467, 468, 471, 474, 201, 120-B IPC, Section 12(i)(b)

Passport Act, 1967 and Section 7 of Prevention of Corruption Act, 1988, wherein he is still in custody. However, it is not disputed that the investigation of the case is complete and the final report stands filed on 12.3.2021, however the trial is yet to commence.

After hearing the learned counsel for the parties and considering the above background, this Court finds that though the final report stands filed, but 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 clampdown the contagion, and it would further delay the conclusion of trial. Thus, the 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 23.10.2020.

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

The petition is allowed.

June 11, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No