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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.33118 of 2021 (O&M)

Date of decision: 27.08.2021

Ravi Dhawan

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.118 dated 13.05.2021 registered under Sections 420, 467, 468, 471, 120-B, 201 IPC and 71 of the Information and Technology Act, 2000, at Police Station City Pehowa, District Kurukshetra.

Counsel for the petitioner, at the very outset, has relied upon the order dated 04.08.2021 passed in CRM-M No.31016 of 2021 vide which the co-accused of the petitioner namely Balvinder Singh, has been granted the concession of anticipatory bail. The operative part of the said order, reads as under:-

“Learned senior counsel for the petitioner submits that the FIR was registered on a complaint given by SI Baljit Singh that during investigation in FIR No. 70 dated 31.03.2021, registered under Sections 420, 467, 468, 471,

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120-B of the IPC and Sections 12/12-B of the Passport Act at Police Station City Pehowa, the complainant, being the Investigating Officer, has recorded the disclosure of one of the accused, namely Mohit Guglani, to the effect that his shop is situated in Pehowa and for getting the passport prepared, he used to get the documents prepared, like school certificate, Diploma certificate, certificate of Universities, Character Certificate, etc. by changing the marks, date of birth or date of issuance of the certificates.

It is further stated in the FIR that in the disclosure statement of aforesaid accused, it came that whenever a person approaches him, by sending documents on his email Id i.e. mohitguglani.guglani@gmail.com, he used to tamper with the same and prepare such documents and charge Rs. 10,000/-. In the disclosure, it has come that on the email Id of some of the persons, as recorded in the FIR, he has sent the documents by tampering with the same. It is further stated that names of some of the students have also come in the disclosure, who had gone abroad by taking admissions.

Learned senior counsel further submits that during further investigation, the police recorded another disclosure of Mohit Guglani regarding involvement of the petitioner.

It is further submitted that petitioner is in fact running an educational instituted by the name of AIM Study Abroad, Pehowa and there is no complaint from any of the students, who had studied from the institute of the petitioner and it will be a matter of trial whether the complainant has locus standi to register the present FIR without there being any complainant aggrieved against the so called action of Mohit Guglani.

Learned senior counsel further submits that in response to a notice issued by the police to join investigation, the petitioner has appeared before the

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Investigating Officer on 22.07.2021 and submitted his email ID and other documents as required by the Investigating Officer, however, during investigation, it was stated that the petitioner has to return Rs. 10 Lakh.

Learned State counsel could not dispute the fact that petitioner has not taken any other amount other than the requisite fees and submits that his involvement in the present case is on the basis of disclosure of aforesaid co-accused.

Learned State counsel also could not dispute that petitioner has joined investigation at one point of time on 22.07.2021, however, it is submitted that a laptop/printer are yet to be recovered.

After hearing learned counsel for the parties, without making any expression on the merits of the case, considering the fact that offences are triable by the Court of a Magistrate and also in view of the fact that the only evidence which has come against the petitioner so far is the disclosure of Mohit Guglani, that too in another FIR i.e. aforesaid FIR No. 70 and also in view of the fact that it will be a matter of trial whether the disclosure of Mohit Guglani, which is recorded in another case, will be admissible against the petitioner or not, I find that custodial investigation of the petitioner is not required as he has already joined investigation on earlier occasion.

Accordingly, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions envisaged under Section 438(2) Cr.P.C.”

For the sake of brevity, the facts are not reproduced again.

Counsel for the petitioner has also submitted that the petitioner is in judicial custody since 08.07.2021 and he is not involved in any other case. It is also submitted that the allegations against the

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petitioner are that he has sent fake certificate to Mohit Guglani. It is further argued that the petitioner is no more required for further custodial interrogation and the offences are triable by the Court of Magistrate and it will take some time in conclusion of the trial.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail. It is also submitted that as per the Custody Certificate, the petitioner is not involved in any other case.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 01 month and 19 days; the co-accused of the petitioner is already released on anticipatory bail; the petitioner is not involved in any other case; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

27.08.2021

yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No