

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-35009 of 2021

Date of Decision: 08.09.2021

Kevin Sushant

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. GBS Dhillon, Advocate for the petitioner.
Ms. Dimple Jain, AAG, Haryana.

AVNEESH JHINGAN, J (Oral):

Due to COVID-19 situation, the Court is convened through video conference.

The present petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR No. 360 dated 20.8.2020, under Sections 420, 467, 468, 471, 474, 201 and 120-B IPC, Section 12(1)(b) of the Passports Act, 1967 and Section 7 of the Prevention of Corruption Act, 1988 registered at Police Station Tohana, District Fatehabad.

During verification of three passports, it was found that same mobile number was mentioned in all the three applications. An enquiry was held to unearth the scam. The allegations against the petitioner are that he in collusion with Deepak Puri and Monu Sachdeva got prepared two fake passports by giving two different addresses. Co-accused Deepak Puri was arrested and he made a disclosure statement.

Learned counsel for the petitioner submits that the petitioner is a victim of the trap laid down by the travel agent. The petitioner had not filled the forms and he never received the two passports. He further submits that similarly situated victims were granted anticipatory bail by this Court.

Learned counsel for the State opposes the prayer for grant of

pre-arrest bail. She distinguishes the present case from co-accused who were granted anticipatory bail. The petitioner has a criminal antecedents as he is involved in four more cases including one under Section 302 IPC. The petitioner had an original passport in which address of Mohali was given. It was only with an intent to flee the country while being on bail that an attempt was made by first applying the passport by giving address of H. No. 257, Ward No. 19, Tohana and after its rejection, a second attempt was made by producing an Aadhaar Card of H. No. 265, Ward No. 14, Bhuna Road, Tohana.

Learned counsel for the petitioner submits that out of four cases, in two cases the petitioner was acquitted and in third case fine of Rs.100/- was imposed.

The scope of enquiry initiated on detection of three passports received for verification, widened as new facts and evidence was revealed during the enquiry. The contention that the petitioner was a victim and never received two passports would be considered at the stage of trial. The fact remains that the petitioner had a passport in which address of Mohali was given. In spite of that, two passports were applied in his name giving two different addresses. As these applications were rejected hence there was no question of getting these passports. The involvement of the petitioner in other FIRs is an indicator of his antecedents. A deeper probe is required. The petitioner is not at parity with the co-accused who have been granted anticipatory bail. In those cases two attempts were not made for getting a passport and co-accused were not having criminal antecedents.

The petition is dismissed.

[AVNEESH JHINGAN]
JUDGE

8th September, 2021

mk

1. Whether speaking/ reasoned
2. Whether reportable

: Yes / No
: Yes / No