

**CRM-33174-2021 in/and
CRM-M-35616-2021 (O&M)**

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

**CRM-33174-2021 in/and
CRM-M-35616-2021 (O&M)
Date of Decision: 06.10.2021**

Kuldeep Singh Jarial

.. Applicant/Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Harminder Singh, Advocate for applicant-petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

CRM Nos.33514 and 33515-2021

Applications are allowed, subject to all just exceptions.

Annexures P-6 to P-8 are taken on record.

CRM-33174-2021

The instant application is for pre-poning the date of hearing of the main petition to an early date.

Notice in the application.

At this stage, Mr. Sukhdeep Parmar, DAG, Haryana, accepts notice on behalf of the respondent-State and does not oppose the prayer.

Application is allowed and the date of hearing is pre-poned to today.

CRM-M-35616-2021

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

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under Sections 120-B, 198, 201, 420, 467, 468, 471 and 474 Indian Penal Code, 1860 and Section 12 (1) B Passport Act, 1967 and Sections 66-C and 66-D IT Act, registered at Police Station City Tohana, District Fatehabad. Petitioner is in custody since his arrest on 23.07.2021.

The allegations as noticed by the learned Additional Sessions Judge, Fatehabad in the order dated 17.08.2021 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 Mujaafarnagar, 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 the co-accused of the petitioner, namely, Captain Singh, who is similarly situated, has been extended the concession of regular bail by the trial Court vide order dated 22.09.2021. According to him, the investigation of the case is complete and even challan was presented on 05.08.2021, but the trial is not making any headway, therefore, the petitioner be also released on regular bail during the pendency of the trial.

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Inderjeet Singh, has opposed the prayer, however, he does not dispute the fact that the case of the petitioner is at par with the co-accused Captain Singh, who has been released on bail. According to him, though the investigation of the case is complete, but the charges are yet to be framed and the case is fixed before the trial Court for the said purpose on 12.10.2021.

After hearing the learned counsel for the parties, this Court finds that though the final report in the case was presented on 05.08.2021, but the trial is yet to commence, therefore, it is evident that the conclusion of trial would take considerable time. Apart from it, the similarly situated co-accused of the petitioner has been released on regular bail, 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 23.07.2021.

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/Duty Magistrate concerned.

The petition is allowed.

06.10.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No