

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

**CRM-M-39204-2021
Date of decision: 21.09.2021**

Gaurav Sharma

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Ashish Aggarwal, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 118 dated 13.05.2021, registered under Sections 420, 467, 468, 471, 120-B, 201 of the IPC and Sections 65, 66, 71 of the Information Technology Act, 2000 at Police Station City Pehowa, Kurukshetra.

Learned counsel for the petitioner relies upon order dated 04.08.2021 passed in CRM-M-31016-2021, vide which co-accused Balvinder Singh has been granted concession of anticipatory bail by this Court. The operative part of the 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, 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 institution 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 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 here again.

Learned counsel for the petitioner submits that the only allegation against the petitioner is that he has introduced the other accused with main accused Mohit Guglani and others, who have been concession of interim anticipatory bail by this Court.

Notice of motion.

Mr. Deepak Kumar Grewal, DAG, Haryana, who is present in

Court, accepts notice on behalf of the respondent-State. Learned State counsel has not disputed the factual position that the petitioner was working on contractual basis in the Passport Office.

After hearing learned counsel for the parties, considering the fact that petitioner was not in a dominating position in the Passport Office to prepare fake Passport(s) on the basis of the fake documents, which are in fact the allegations against the main accused Mohit Guglani and also considering the fact that some of the accused have already been granted concession of anticipatory bail by this Court, the present petition is allowed and the petitioner is granted concession of anticipatory bail, subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioner to join investigation, if so required, by issuing him a written notice in this regard.

21.09.2021

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No