

205

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.43237 of 2020 (O&M)

Date of decision: 01.04.2021

Prabhjit Singh @ Shelly

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. R.S. Rai, Sr. Advocate
with Mr. Gautam Dutt, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., 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.360 dated 20.08.2020, for offence punishable under Sections 420, 467, 468, 471, 474, 201, 120-B of the Indian Penal Code, 1860 (in short 'IPC') and 12(1)B of the Passport Act and 7 of the Prevention of Corruption Act, registered at Police Station City Tohana, District Fatehabad.

Learned senior counsel for the petitioner has argued that as per the allegations in the FIR, registered on a complaint given by Jagjeet Singh, In-charge Security Branch in the office of Superintendent of Police, Fatehabad, while verifying the passport applications in Fatehabad District through the local Police Station, it was found that certain applications, which were received were having one mobile number i.e. 75289-83071 and the said mobile number was found to be

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switched off. It was further found that since on number of the applications, the same mobile number was mentioned and the applicants were not found residing at the given address, the record was taken up and the present FIR was registered.

Learned senior counsel for the petitioner has also submitted that the primary allegations against the petitioner are that he was working as a Facilitator for the other co-accused namely Palwinder Singh and Bhupinder Singh, who were involved in the business of preparing fake passport and were taking huge amount from the applicants/persons, who had applied for passport on the basis of fake documents.

Learned senior counsel for the petitioner has also argued that the only evidence against the petitioner is the disclosure statement of Palwinder Singh, on the basis of which the petitioner was arrested on 27.10.2020 and it will be a matter of trial whether such disclosure statement can be taken into consideration or not. It is further submitted that the investigation is complete and the petitioner is no more required for further investigation. Lastly, it is argued that number of other co-accused of the petitioner have already been granted the concession of regular bail by this Court.

Counsel for the State has not disputed the fact that as per the investigation, the petitioner was found to be a person, who was working as a Facilitator for the other co-accused and there are serious allegations against all the accused persons and however, did not dispute that the name of the petitioner was nominated on the basis of the disclosure statement of the co-accused Palwinder Singh.

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Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 27.10.2020; the co-accused of the petitioner are already released on bail; 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

01.04.2021

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No