

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

**CRM-M No.43862 of 2020
Date of Decision : 12.02.2021**

Tilak Raj

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. K.S. Sidhu, Senior Advocate assisted by
Mr. T.S. Sullar, Advocate and
Mr. Gurtej S. Beniwal, Advocate
for the Petitioner.

Mr. Anmol Malik, Dy. Advocate General, Haryana
for the Respondent/State.

SUDIP AHLUWALIA, J. (ORAL)

The instant Petition has been filed under Section 439 of the Code of Criminal Procedure seeking Regular Bail on behalf of the Petitioner in case FIR No.382, dated 03.10.2020, registered under Sections 406, 420, 419, 370, 467, 468, 471, 120-B, 201 of the Indian Penal Code, 1860, and Section 12 of the Passport Act 1967, and Section 25 of the Immigration Act, 1983 added later on, at Police Station Pundri, District Kaithal.

2. The factual background of the case is virtually identical with that in FIR No.255 dated 19.06.2019 of Police Station Baldev Nagar and FIR No.380 dated 02.10.2020 of Police Station Pundri, Kaithal wherein the Petitioner was granted bail by the Courts of Ld. Additional Sessions Judge, Ambala and Kaithal, respectively.

2. It has been highlighted on behalf of the Petitioner that as in the aforesaid two cases arising out of the same transaction pertaining to mis-utilization of Passports of the children of the Complainants by two specifically named persons, namely Chetan Sabharwal and Mridul Kapri, the Petitioner himself was never named as an accused, and that in any case investigation against him had already been completed and Challan submitted in both those cases.

3. In the present case also the Petitioner has not been named in the FIR wherein again the involvement of the aforesaid accused persons, namely Chetan Sabharwal and Mridul Kapri has been specifically mentioned along with another accused person namely Balraj Singh who is alleged to have purchased the Passport of the Complainant's daughter.

4. Further perusal of the impugned order passed by the Ld. Additional Sessions Judge, Kaithal (Annexure P-1) specifically mentions in Para No.7 thereof, which reads as under :-

“...Also, various other cases under Sections 406, 420, 419, 467, 468, 370, 120-B of IPC and Section 24 of Immigration Act and Section 12 of Passport Act are also pending against him and the challan has also not been present till date.”

5. The position now is that over a month after passing of the aforesaid impugned Order dated 11.12.2020, Challan against the Petitioner was submitted on 13th January, 2021, after completion of investigation. In the meantime, the Petitioner has already undergone detention for almost 04 months since 15.10.2020.

6. In such circumstances, further detention of the Petitioner for an indefinite period at this stage, is not called for since otherwise the nature of his involvement is virtually identical as in the matter of the other two FIRs in which he has already been granted bail by both the Ld. Courts below.

7. Consequently, without commenting any further upon the merits of the case, the prayer of the Petitioner for Regular Bail is allowed and he is ordered to be released on bail subject to the satisfaction of the Ld. Trial Court/Duty Magistrate concerned.

8. Disposed off.

February 12, 2021

Dpr

**(SUDIP AHLUWALIA)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No