

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

223 (2)

DECIDED ON: 12th July, 2022

(1) CRM-M-2520 of 2022 (O&M)

Rajinder Singh

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

(2) CRM-M-1504 of 2022 (O&M)

Sukhwant Singh

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. A.S. Brar, Advocate for petitioner(s).
Mr. Chetan Sharma, AAG Haryana.

AVNEESH JHINGAN, J (ORAL)

Petitioners are seeking regular bail in case of FIR No.25 dated 23.1.2020, under Sections 419, 420, 467, 468, 471, 120-B IPC, 1860, Section 12 of the Passport Act, 1967 and Section 7 of the Prevention of Corruption Act, 1988, registered at Police Station Rai, District Sonipat.

Learned counsel for the petitioners submits that on the same allegations two FIRs were registered i.e. FIR No.410 dated 28.10.2020 and the present FIR i.e. 25 dated 23.1.2020.

He further submits that in other FIR i.e. FIR No. 410 dated 28.10.2020, the petitioners were granted bail by passing the following order on 15.12.2021:

"These four petitions under Section 439 Cr.P.C. are filed seeking regular bail in FIR No. 410 dated 28.10.2020 under Sections 420, 421, 466, 467, 468, 471, 167, 120-B IPC, Section 12 of Passports Act, 1967 and Sections 7, 8, 13(2) of the Prevention of Corruption Act, 1988, registered at Police Station Zirakpur, District SAS Nagar.

The initiation point for registering the FIR was an information received from Community Policing SAS Nagar. The information was that verification of antecedents of Sarabjit Singh was not done properly by Passport Verification Officer-Constable Rajinder Singh (petitioner in CRMM-1185 of 2021). The applicant was not found residing on the address given in the application, his Aadhaar card and Matriculation certificate were found fake. Further, it was found that one Gurbir Singh had applied for passport by changing his name as Raj Kumar @ Raju. Similar were the allegations against Sandeep (real name Ashish). Sarabjit Singh, Gurbir Singh (real name Raju @ Raj Kumar) and Constable Rajinder Singh were named in the FIR. During investigation, Constable Rajinder Singh was arrested on 29.10.2020. He made disclosure of verification of 41 fake passports. He named Constable Sukhwant Singh (petitioner in CRM-M20814 of 2021). Sukhwant Singh was arrested on 2.11.2020, he disclosed name of Raman Kumar and stated that he used to provide the details of persons who had applied for passports on basis of fake documents and verification of their antecedents was to be done. Raman Kumar on arrest named Arvind Kumar Thakur (petitioner in CRM-M-11057 of 2021) and Gurminder Singh. Arvind Kumar Thakur was arrested on 2.12.2020. The role attributed to him was that he acted as a link between the customers and the persons who had to arrange fake passports. Kulwinder Singh was nominated as an accused on 17.3.2021 and was arrested. He was the person who applied for a passport through Arvind Kumar Thakur by giving his address of Zirakpur whereas he was resident of District Bathinda. The reason for doing so was that he was involved in an NDPS Act case.

It would be appropriate to note that challans against all the petitioners have been presented, though the charges are yet to be framed.

CRM-M-11057 of 2021

Mr. Vinod Ghai, Senior Advocate appearing for the petitioner Arvind Kumar Thakur submits that the petitioner was named in the disclosure statement, no recovery was made from the petitioner, there is no allegation that he forged any document. At best the case of the prosecution is that he was procuring clients in the scam.

Learned counsel for the State opposes the prayer for grant of bail. He submits that the petitioner was not only procuring the clients but was keeping major share of the money charged and was distributing the balance amount to other co-accused.

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CRM-M-1185 of 2021

Mr. R. S. Warraich, Advocate appearing for the petitioner submits that no recovery is to be made from the petitioner, he is a police official and there is no chance of his absconding.

Learned counsel for the State opposes the prayer for grant of bail. He submits that the petitioner was the master-mind and actually he made the verification reports without conducting actual verification. The contention is that he failed to discharge his official duty.

CRM-M-20814 of 2021

Dr. Anmol Rattan Singh, Senior Advocate appearing for the petitioner submits that the petitioner was named in the disclosure statement, the petitioner was not posted as Passport Verification Officer, only mobile was recovered.

Learned counsel for the State opposes the prayer for grant of bail. He submits that the petitioner was working as Head Constable, he was getting Rs.10,000/- for each passport verification got done through coaccused Rajinder Singh.

CRM-21038 of 2021

Mr. A. S. Brar, Advocate appearing for the petitioner submits that the petitioner was a victim in the hands of other co-accused. There is no allegation that he himself forged any document.

Learned counsel for the State opposes the prayer for grant of bail. He submits that the petitioner was an under trial in another case, it was his attempt to abscond that changed address was used to procure a passport.

Learned counsel for the State further submits that considering the nature of allegations against all the petitioners, there is an apprehension that they may abscond, if bail is granted. The contention is that since the matter is still under investigation, there may be an occasion where voice samples of the petitioners may be required.

Learned counsel for the petitioners submit that their clients would surrender passports, if possessing one. On instructions, it is submitted that the petitioners volunteer to give voice sample, if needed.

Petitioners-Arvind Kumar Thakur, Rajinder Singh and Sukhwant Singh are in custody for almost one year. Petitioner-Kulwinder Singh is in custody for almost nine months. The investigation qua them is complete but charges are yet to be framed. As on date, there are total thirty five prosecution witnesses. No recoveries are to be made from the petitioners. The names of petitioners, Arvind Kumar Thakur and Sukhwant Singh surfaced in the disclosure statements. The fact that conclusion of trial is likely to take long time cannot be ignored to balance fair trial and the rights enshrined under

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Article 21 of the Constitution of India, the petitioners are granted bail subject to their furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petitioners would surrender their passports within one week of their release and will inform the concerned police station in case there is any change in their residential address during trial.

Considering the allegations against Kulwinder Singh, it would be appropriate to impose further conditions to ensure his presence during the trial. He will give his active mobile number to the Investigating Officer. He shall keep the mobile operational during the pendency of the trial and in case of any occasion to change the mobile number, he will inform the Investigating Officer in advance.

The petitions are allowed. "

It is submitted that the petitioners volunteer to comply with the conditions as imposed in the order dated 15.12.2021.

Learned State counsel opposes the prayer but is not able to distinguish the case of petitioners viz-a-viz the order passed in FIR No. 410 dated 28.10.2020, so far as grant of bail is concerned.

The petitioners are granted bail subject to the same conditions as in order dated 15th December, 2021.

The petitions are allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

Since the main case has been decided, the pending application, if any is rendered infructuous.

Photocopy of this order be placed on the file of connected case.

(AVNEESH JHINGAN)
JUDGE

12th July, 2022
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Whether speaking/reasoned *Yes*
Whether reportable *No*