

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-3770-2022 (O&M)

Date of Decision: 21.09.2022

Henry Uwa

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Garima Sharma, Advocate, for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 174 dated 14.08.2021, under Section 14A of Foreigners Act, 1946 and Section 12 (1A) of Passport Act, 1967, registered at Police Station Sector-53, Gurugram, District Gurugram

The learned counsel for the petitioner has submitted that the petitioner who is a foreign national is in custody from 14.08.2021 which is more than 1 year. She further submitted that the investigation of the case has been completed and thereafter, the challan has been presented before the competent Court. She submitted that the allegations in the FIR against the petitioner were that the petitioner was staying as a tenant and he did not have any passport or a valid visa and therefore, the provisions under the

Passport Act, 1967 and Foreigners Act, 1946 were invoked against the petitioner. She further submitted in fact the petitioner had lost his passport and that was the reason as to why the documents could not be produced before the police. She further submitted that now a new passport has been issued and it is valid till 2026 and the said passport is already with the police. She further submitted that since the passport itself is with the police, there are no chances of flight risk of the petitioner and the petitioner also undertakes to comply with all the conditions imposed by this Court in case the petitioner is granted the concession of regular bail.

On the other hand, Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana has submitted that it is correct that the petitioner is in custody for the last more than 1 year and investigation of the case has been completed. He further submitted that he has sought instructions from the concerned I.O who has further got it confirmed from the concerned embassy that the passport which has been deposited by the petitioner to the police authorities is genuine and valid passport and it is valid till 2026.

I have heard the learned counsel for the parties.

In view of the aforesaid facts and circumstances whereby the petitioner was involved in a case under the Passport Act, 1967 and Foreigners Act, 1946 and he has already faced incarceration for more than 1 year and the fact that as per learned State counsel, the original passport which is valid till 2026 is already in the possession of the police, the petitioner deserves the concession of regular bail.

Consequently, the present petition is allowed. The petitioner

shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

21.09.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No