

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-4852 of 2021 (O&M)

Date of Decision: 12th December, 2022

Sukhdeep Singh

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. A. K. Gupta, Advocate for the petitioner.
Mr. Gurmeet Singh, AAG, Haryana.

AVNEESH JHINGAN, J (Oral):

This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 360 dated 20.8.2020, under Sections 420, 467, 468, 471, 474, 198, 120-B IPC, Section 12(1)B of Passport Act, 1967, Sections 7, 8 and 12 of Prevention of Corruption Act, 1988 and Section 66-C, 66D of Information and Technology Act, 2000, registered at Police Station City Tohana, District Fatehabad.

Learned counsel for the petitioner submits that the petitioner is beneficiary. He claims parity with co-accused who have been granted bail by this court on 6.8.2022 in CRM-M-16464 of 2022 and connected matters. He further submits that the petitioner is in custody since 10.11.2020. The contention is that the petitioner volunteers to adhere to the conditions stipulated in order dated 6.8.2022 and to give voice sample if required.

On 6.8.2022, this court passed the following order:

“1. These four petitions are filed seeking regular bail in case of FIR No. 360, dated 20th August, 2020, under Sections 420, 467, 468, 471, 474, 198, 201 and 120-B of Indian Penal Code, 1860, Section 12(I)(B) of the Passport Act, 1967, Sections 7, 8 and 12 of the Prevention of Corruption Act, 1988 and Section 66-C and 66-D of the Information

Technology Act, 2000, registered at Police Station City Tohana, District Fatehabad.

2. *The role attributed to these four petitioners is that they applied for passports on the basis of forged documents with an intent to withhold their criminal antecedents by changing their identity.*

3. *On 9th February, 2022, following order was passed in CRM-M-37995-2021 by this Court:-*

“[1] Due to COVID-19 situation, the Court is convened through video conference.

[2] These petitions are filed seeking regular bail. The allegations in the cases are that accused, in connivance with each other, were procuring or aiding to procure passports on the basis of forged documents.

[3] On 1st February, 2022, following order was passed by this Court:

“Due to COVID-19 situation, the Court is convened through video conference.

These petitions are filed seeking regular bail in FIR No.360, dated 20th August, 2020 under Section 420, 467, 468, 471, 474, 198 and 120-B IPC and Section 12(1)(B) of the Passport Act, 1967 and Sections 7, 8 and 12 of the Prevention of Corruption Act, 1988 and Section 66C and 66D of the Information and Technology Act, 2000 and FIR No. 450, dated 2nd October, 2020, under Sections 420, 467, 468, 471 and 120-B IPC and Section 12(1)(B) of the Passport Act, 1967, both registered at

Police Station City Tohana, District Fatehabad. Both the FIRs are off-shoot of each other.

The primary argument of learned counsel for the petitioners are that officials of police department, postal department, passport office, accused who acted as facilitators and some of the accused who had applied for passports allegedly by using forged documents were either granted anticipatory or regular bail. The said orders were not challenged by the State.

The submission is that petitioners in view of nature of allegations are ready to abide by any reasonable conditions imposed to ensure their presence during the trial. They further submit that no further recovery is to be made, investigation is complete and conclusion of trial will take time. The submission is that custody period of the petitioners be taken into consideration.

Ms. Geeta Sharma, Deputy Advocate General, Haryana submits that against some of the accused the allegations are that while facing trial in other cases they tried to get the passports by forging documents or changing their identity. She seeks time to have specific instructions with regard to proposing the conditions to

be imposed for grant of bail.

List on 9th February, 2022.

Photocopy of this order be placed on the file of connected cases.”

[4] Today, Ms. Dimple Jain, Assistant Advocate General, Haryana and Mr. Sandeep Kumar, Deputy Advocate General, Punjab, on instructions submit that considering the nature of allegations, there are chances of petitioners absconding in case they are granted bail. It is submitted that apart from statutory conditions, following conditions be imposed on the petitioners to ensure their presence in the trial Court :

(i) Petitioners shall surrender their passports (if they possess one) with the trial Court;

(ii) Petitioners would be required to mark their attendance once in a month in the concerned police station;

(iii) Petitioners will provide their mobile number and a mobile number of their family member, which will remain active during the pendency of the trial;

(iv) In case there would be any change in residential address of any of the petitioners, advance intimation would be given to the concerned police station and

(v) Petitioners would appear before

the trial Court as and when required or called for.

[5] Learned State counsel further submit that there are off-shoots of present FIR, which are likely to come as the investigation with regard to the scam is still continuing. There are chances that further material would be available. In case of such eventuality, the State be granted liberty to avail remedies in accordance with law.

[6] After hearing learned counsel for the State, learned counsel for the petitioners, on instructions, submit that conditions imposed are reasonable and petitioners volunteer to abide by the same during the trial.

[7] At this stage, learned State counsel seek adjournment stating that matter is fixed before the trial Court on 17th February, 2022 for framing of charges. They submit that request would be made before the trial Court for framing of charges before the next date of hearing in this Court.

[8] List on 7th March, 2022.

[9] Photocopy of this order be placed on the files of connected cases.”

4. *The dates of the apprehension of the petitioners are tabulated below:-*

<i>Name of the petitioner</i>	<i>Date of arrest</i>
<i>Manjinder Singh @ Mani</i>	<i>30th July, 2021</i>
<i>Kevin Sushant</i>	<i>31st October, 2021</i>
<i>Amritpreet @ Amritpal Singh</i>	<i>17th August, 2021</i>

Resham Singh

4th April, 2021

5. *Learned counsel for the parties are ad idem that now the charges have been framed against the petitioners.*

6. *Learned counsel for the petitioners reiterate that they have volunteered to adhere to the conditions mentioned in order dated 9th February, 2022. The petitioners volunteer to give their voice sample if required.*

6. *Learned State counsel on instructions opposes the prayer for regular bail submits that petitioners do not have clean antecedent and are involved in number of FIRs. However, she is not in a position to raise any substantial objection to the effect that in view of the additional conditions over and above the conditions prescribed under the Code of Criminal Code (for short 'Code'), there is prima facie no chance of the petitioners absconding.*

7. *Considering the custody period and the fact that though investigation is complete, charges have been framed yet conclusion of trial is likely to take time and co-accused were granted bail the petitioners are granted bail subject to their furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned. The bail is granted subject to the petitioners adhering to the conditions No. 1 to 5 proposed in order dated 9th February, 2022 and giving their voice samples, if so, required. It is clarified the conditions imposed are over and above the conditions prescribed under the Code.*

8. *Needless to say that in case of change of circumstances or on a fresh material being available with the investigating agency, the State would be at liberty to avail remedies in accordance with law.*

9. *The petitions are allowed.*

10. *Photocopy of this order be placed on the files of connected cases."*

Learned counsel for the State opposes the prayer for grant of bail. He submits that the petitioner is involved in eighteen more cases.

Learned counsel for the petitioner submits that the petitioner has been acquitted in eleven cases and undergone the sentence in one case. He further submits that in another case, he is on anticipatory bail and FIR No. 238 is off shoot of the present FIR.

It would not be out of place to mention that the conditions in the order dated 6.8.2022 were imposed on the suggestions of the State counsel for ensuring the presence of the accused during trial.

Considering the custody period and the fact that though investigation is complete, charges have been framed yet conclusion of trial is likely to take time and co-accused were granted bail, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned. The bail is granted subject to the petitioner adhering to the conditions No. 1 to 5 imposed in order dated 9th February, 2022 and giving his voice samples, if so, required. It is clarified the conditions imposed are over and above the conditions prescribed under the Code.

Needless to say that in case of change of circumstances or on a fresh material being available with the investigating agency, the State would be at liberty to avail remedies in accordance with law.

The petition is allowed.

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

[AVNEESH JHINGAN]
JUDGE

12th December, 2022

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1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No