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

CRM-M-5848-2022

Date of decision:09.05.2022

POONAM

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Sushil Jain, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, by filing the present petition cast under Section 438 of Cr.P.C., seeks grant of anticipatory bail in case FIR No.524 of 09.12.2021, registered at Police Station Baldev Nagar, District Ambala, wherein offences constituted, under Sections 420, 467, 468, 471 of IPC, are embodied.

2. This Court, through an order made, on 11.02.2022 had granted ad-interim bail to the present bail petitioner.

3. The genesis of the prosecution case became rested, upon a purportedly forged birth certificate of the present petitioner, as the investigating officer concerned, after visiting the office concerned, wherefrom it became issued, rather discovering that it never becoming entered in the records of the office concerned.

4. Moreover, it is also contended, most vehemently, by the learned State counsel, that on the basis of the forged certificate, the petitioner has been able to procure a passport from the Regional Passport Office concerned.

Consequently, he submits, that on the basis of Annexure P-7 rather wrongful gain has accrued to the present bail petitioner, and, wrongful loss is caused to

the authorities concerned. However, the learned State counsel, and, the learned counsel appearing for the victim-aggrieved, do not contest, the factum of there being a living, animated person, with flesh, and, blood with the name, and, personality of the present bail petitioner. The effect of the above, is that, if there is an animated person with flesh, and, bones hence carrying the name of the present bail petitioner, thereupon even if his name is not entered in the office concerned, and, also if he has procured a purportedly forged birth certificate, in respect of his being born, and, living on this mother earth, thereupon unless there was cogent evidence placed on record, that at the time of his making an application for his obtaining a passport from the Regional Passport Office concerned, he was not otherwise eligible to obtain it, thereupon alone there would *prima-facie* be a well founded inference, qua wrongful loss to the authorities concerned, and, wrongful gain to the present bail petitioner rather imminently accruing.

5. However, the above evidence is not on record, and, when neither the learned State counsel nor the learned counsel appearing for the aggrieved-victim, disputes the identity, and, the name of the present bail petitioner, thereupon, and, also when no evidence has been adduced by the prosecution suggestive, that except for the purportedly forged certificate, he was not entitled to obtain a passport from the Regional Passport Office concerned. Therefore, the present bail petitioner cannot *prima-facie* become constrained by this Court to, invalidly obtain any passport from the Regional Passport Office.

6. Even otherwise, it became encumbered, upon the Regional Passport Office concerned, to not without ensuring the apposite verifications from the police agencies concerned, issue the passport to the petitioner, besides to ensure the elicitation of a report from the police , that the petitioner was not having the

requisite befitting credentials, to obtain the passport from the RPO concerned. However, the above cast duty on the RPO has been completely breached. The ill consequence thereof cannot befall, upon the petitioner.

7. Keeping in view the above, this Court *prima-facie* is of the view that the allegations of wrongful loss, and, wrongful gain accruing respectively to the authorities concerned, and, to the present bail petitioner, and, as embodied in Annexure P-7, are not meritworthy.

8. As a sequel and, also when no evidence becomes placed on record by the prosecution, suggestive that in the event of the bail petitioner being enlarged on anticipatory bail, there is every likelihood of his fleeing from justice, and/or, tampering with prosecution evidence.

9. In summa the order as made, by this Court, on 11.02.2022, is made absolute on the same terms and conditions.

10. Disposed of.

11. This order is only for the disposal of the petition, and, shall have no bearings on the merits of the case.

(SURESHWAR THAKUR)
JUDGE

09.05.2022

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Whether speaking/reasoned:- Yes/No

Whether reportable: Yes/No