

207 (3 cases)

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

(1)

**CRM-M No. 7089 of 2022
Date of Decision: 04.05.2022**

Satwant Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

(2)

CRM-M No. 7842 of 2022

Simran

..... Petitioner

Versus

State of Haryana

..... Respondent

AND

(3)

CRM-M No. 9196 of 2022

Mandeep Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Siddharth Sharma, Advocate,
for the petitioner (in CRM-M Nos. 7089 & 7842 of 2022)

Mr. Bhupinder Ghai, Advocate,
for the petitioner (in CRM-M-9196-2022)

Mr. Tanuj Sharma, Assistant Advocate General, Haryana

SURESHWAR THAKUR, J. (ORAL)

1. This order shall dispose of the present three petitions, cast under Section 438 of the Cr.P.C., seeking the grant of pre-arrest bail to the petitioner(s), as they arise from a common FIR No. 54 of 02.02.2022,

registered against the present bail applicant(s) - petitioner(s), at Police Station Sadar Fatehabad, District Fatehabad, constituting therein offences, under Sections 198, 420, 467, 468, 471, 474 & 120-B of the IPC, and, under Section 12(1)B of Passport Act, 1967.

2. This Court, through respective made orders of 21.02.2022, of 24.02.2022, and, of 04.03.2022, as, made in the respective petitions, had granted ad interim bail to the bail applicant(s) / petitioner(s).

3. The incriminatory role, as, assigned to one Simran, and, to one Satwant Singh, is of theirs verifying from the Aadhar Card concerned, the address of one Harmanpreet Singh, as, being a resident of village Aherwan, whereas, Harmanpreet Singh was never a resident of village Aherwan, rather was a resident of village Mehal. The above mis-verification, has been contended by the learned State Counsel, to result in the above Harmanpreet Singh, securing a passport from the office of the RPO concerned, as he submits, that in case the above had resisted from making the verification, of the purportedly forged passport holder concerned, to be a resident of village Aherwan, thereupon, the RPO concerned, would have withheld its sanction on the application concerned. He also further submits, that after investigations being made into FIR (supra), it becomes unfolded, that one Harmanpreet Singh, is rather a resident of village Mehal, and, that at the police station concerned, located within the jurisdiction of the above village, criminal cases are registered against the said Harmanpreet Singh, and, that in case a verification was made from the police station concerned, thereupon, it would have resulted in an adverse report against Harmanpreet Singh from the police official concerned, and, would have also resulted in

the regional passport office, rejecting the passport application, as, became preferred by the above Harmanpreet Singh.

4. The learned State Counsel's submission, qua the declining(s) of relief in the anticipatory bail applications to the above bail petitioners is, however, rejected. The reason for the above conclusion, arises from the factum, that he does not deny that the above bail petitioners, had made verification of the address of the holder of the purportedly forged passport, rather from his Aadhar Card. Though the Aadhar Card is also contended, by the learned State Counsel to be containing false information with respect to the place of abode of Harmanpreet Singh, but unless there is, prima facie, material on record, and, is suggestive, that the above bail petitioners were in the know that the actual place of residence of the passport holder concerned, was not village Aherwan, but was village Mehal, thereupon on anvil of the above material, this Court would become completely convinced, that the above named bail petitioners are not entitled to theirs being admitted to anticipatory bail.

5. However, the above evidence is not existing on record, wherefrom a sequel ensues that the purported mis-verification was rather bona fidely made.

6. Be that as it may, the RPO concerned, is not required to be completely believing, the verification as made by the bail petitioners, but is to ensure the verification of the antecedents of the applicant concerned, through its eliciting an appropriate report from the police agency concerned. However, the RPO concerned, did not elicit any information from the police agency with respect to the antecedents of the applicant concerned, rather has

believed the information, as, made on the application concerned, by the above named bail petitioners, who, as stated above, made it bona fide merely on the basis of the address reflected in the Aadhar Card, which became shown to each of them by one Harmanpreet Singh. The consequence of the above departures being made by the regional passport office concerned, has rather resulted in the issuance of the passport concerned, to one Harmanpreet Singh, and, in case there was no departure from the procedural norms, inasmuch as, the report of the police agency becoming elicited, rather the issuance of the passport concerned, would not have occurred. The further sequel of the above departures, is that prima facie hence the imputation of credence to the apposite verification, by the passport office concerned, is rather faulty, and, the further consequence thereof, is that prima facie, at this stage, rather for the above departures, the apposite purportedly false verifications, may not, at this stage, invite any penal inculpability against one Simran, and, one Satwant Singh, and, nor against one Mandeep Singh, who may have forged the apposite certificate, penal misdemeanor whereof, also has no consequence qua the issuance of the passport to one Harmanpreet Singh.

7. Bearing in mind the above, and, also when no evidence has been adduced by the prosecution, suggesting that in the event of the bail applicants being enlarged on pre-arrest bail, there is every likelihood of theirs fleeing from justice, and, or, tampering with prosecution evidence.

8. Consequently, this Court does not deem it fit to order for custodial interrogation of the bail applicant(s) / petitioner(s). Contrarily, this Court is constrained to make absolute the respective orders, as, made by

this Court, on 21.02.2022, on 24.02.2022, and, on 04.03.2022, on the respective bail petitions. However, the making of absolute of the afore order(s) shall be subject to the terms and conditions of the orders (supra).

9. Disposed of.

10. Any observation made hereinabove is in respect of the disposal of the instant petition(s), and, shall not be taken to be any observation on the merits of the case, and, neither, the IO concerned, shall be influenced by the afore made orders, nor the learned trial Judge concerned, shall be influenced from the afore orders, as and when the learned trial Judge concerned, enters upon the trial, against the accused.

May 04, 2022
'dk kamra'

(SURESHWAR THAKUR)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes / No</i>
<i>Whether Reportable</i>	<i>Yes / No</i>