

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

(1) CRM-M No. 13240 of 2022
Date of Decision: 04.05.2022

Balbir Singh Petitioner

Versus
State of Haryana Respondent

(2) CRM-M No. 13656 of 2022 (O&M)

Rajinder Thakur Petitioner

Versus
State of Haryana Respondent

AND

(3) CRM-M No. 13732 of 2022

Balvinder Singh Petitioner

Versus
State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Gourav Goel, Advocate,
for the petitioner (in CRM-M-13240-2022)

Mr. Siddharth Pandit, Advocate,
for the petitioner (in CRM-M-13656-2022)

Mr. Jasjeet S. Dhaliwal, Advocate,
for the petitioner (in CRM-M-13732-2022)

Mr. Tanuj Sharma, Assistant Advocate General, Haryana

SURESHWAR THAKUR, J. (ORAL)

CRM-12160-2022 in CRM-M-13656-2022

2. The exemption from filing the certified / original / legible copies of Annexures P-1 to P-5, is granted, subject to all just exceptions.

MAIN CASE(S)

1. This order shall dispose of the present three petitions, seeking grant of regular 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 120-B, 198, 420, 467, 468, 471 & 474 of the IPC, and, under Section 12(1)B of Passport Act, 1967.

2. The bail applicants-petitioners, namely, Balbir Singh, and, Balvinder Singh, are stated to be suffering judicial incarceration since 08.02.2022, whereas the bail applicant – Rajinder Thakur, is in judicial custody since 10.02.2022.

3. The incriminatory role, as, assigned to the present bail petitioners, is of theirs forging the matriculation certificate of one Harmanpreet Singh, and, hence leading to the issuance of a passport in his favour by the RPO concerned.

4. The learned State Counsel vehemently opposes the grant of regular bail to the present bail petitioners, on the ground, that they have committed a serious offence of fabricating and preparing a forged matriculation certificate, leading ultimately to the above penal consequence(s).

5. Even if all the bail petitioners, in various manners and modes, rather participated in the preparation of a forged matriculation certificate, and, also led to the issuance of a passport in the name of one Harmanpreet

conscience of this Court, that there are any norms appertaining to the applicants concerned, peremptorily possessing any educational qualification, rather for theirs becoming eligible to obtain the passport from the regional passport office concerned.

6. The result of the afore inability of the learned State Counsel, leads this Court to form a conclusion, that even if the bail applicants, had in various modes, ensured the preparation of a forged matriculation certificate qua one Harmanpreet Singh, but the above forged matriculation certificate cannot be, at this stage, prima facie, concluded to lead to the sequel of the RPO concerned, merely on its anvil, proceeding to issue the passport to the applicant concerned.

7. Moreover, the RPO concerned, was under an enjoined legal duty to, before proceeding to place any reliance thereons rather for any purpose whatsoever, to elicit a report from the police agency concerned. However, the RPO concerned, failed to elicit the services of any police officer concerned, for making verifications about the authenticity of the matriculation certificate of one Harmanpreet Singh. The above want, has resulted in the issuance of a passport, by the RPO concerned, and, the above issuance arises from the above fallibility of the passport office concerned, and, prima facie, hence does not attract any penal consequences against the present petitioners, but, as above stated, is a sequel of non-adherence, rather by the RPO concerned, of all the appropriate norms, governing the issuance of passports to the applicant(s) concerned.

8. Since, the bail petitioners are in judicial custody with effect from the first / second week of February, 2022, thereupon, their further detention may not be prolonged, as, thereupons theirs personal liberty

would become unnecessarily curtailed and fettered.

9. Since, the learned State Counsel has also not been able to place on record any material, suggesting that in the event of bail petitioners being enlarged on regular bail, there is every likelihood of theirs fleeing from justice, and, or, tampering with prosecution evidence, thereupon, this Court is of the firm view, that their further judicial incarceration would definitely fetter their personal liberty.

10. Consequently, the instant petitions are allowed, and the bail applicants – petitioners are ordered to be released from judicial custody, on theirs respectively furnishing personal and surety bonds in the sum of ₹ 50,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to theirs not tampering with prosecution evidence, and/or not influencing prosecution witnesses, and, also theirs appearing before the trial Court concerned, as and when they are required to be making their personal appearances unless validly exempted.

11. 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, 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

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**(SURESHWAR THAKUR)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>