

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

(I)	CRM-M-13249-2022 (O&M) Date of Decision:- 06.8.2022	
Balbir Singh		... Petitioner
	Versus	
State of Haryana		... Respondent
(II)	CRM-M-13677-2022 (O&M)	
Rajinder Thakur		... Petitioner
	Versus	
State of Haryana		... Respondent
(III)	CRM-M-13742-2022 (O&M)	
Satnam Singh @ Sattu		... Petitioner
	Versus	
State of Haryana		... Respondent
(IV)	CRM-M-13813-2022 (O&M)	
Balvinder Singh		... Petitioner
	Versus	
State of Haryana		... Respondent
(V)	CRM-M-22816-2022 (O&M)	

Munish Kumar @ Manish Kumar @ Mani ... Petitioner

Versus

State of Haryana ... Respondent

(VI)

CRM-M-34043-2022 (O&M)

Tilak Raj ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gourav Goel, Advocate,
for the petitioner in CRM-M-13249-2022.

Mr. Siddharth Pandit, Advocate,
for the petitioner CRM-M-13677-2022.

Mr. Bhupinder Ghai, Advocate,
for the petitioner in CRM-M-13742-2022.

Mr. Jasjeet Singh Dhaliwal, Advocate,
for the petitioner in CRM-M-13813-2022.

Mr. Prateek Gupta, Advocate,
for the petitioner in CRM-M-22816-2022.

Mr. Loveneet Thakur, Advocate,
for the petitioner in CRM-M-34043-2022.

Mr. Krishan K. Chahal, Addl. A.G. Haryana,
assisted by SI Krishan Kumar.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned six petitions wherein
petitioners Balbir Singh, Rajinder Thakur, Satnam Singh @ Sattu,

Balvinder Singh, Munish Kumar @ Manish Kumar @ Mani and Tilak Raj, seek grant of regular bail in a case registered vide FIR No. 50, dated 30.1.2022, Police Station Sadar Fatehabad, District Fatehabad, under Sections 120-B, 198, 420, 467, 468, 471, 474 of IPC and Section 12(1)B of Passport Act, 1967.

2. Status report by way of affidavit of Sh. Ajaib Singh, Deputy Superintendent of Police, Fatehabad has been filed in CRM-M-22816-2022. The same is taken on record.
3. The case of the prosecution is that one Ravi Kumar @ Nonu @ Nona had been arrested by the police of Jammu and Kashmir and during his interrogation he disclosed to Jammu and Kashmir Police that he had prepared the Passport by assigning himself a fictitious name Karan Kumar s/o Surinder Kumar and by showing himself to be a resident of village Aherwan, Tehsil Ratia, District Fatehabad and that the said Passport had been got issued from the Passport Office at Chandigarh. Upon receiving the said information, the FIR in question was lodged and upon making inquiries, it transpired that at the time of issuance of Passport in the name of Karan Kumar, a detailed verification had been sent to Security Branch and that said Karan Kumar had been identified by Satnam Singh and Harmanpreet. Pursuant to collecting the said information Satnam Singh was arrested by the police. It is the case of prosecution that Harmanpreet could not be arrested and was ultimately declared a 'Proclaimed Offender'. It was found that the addresses furnished by the said Karan Kumar and also by the person who had verified were found to be incorrect. During the

course of interrogation of Satnam Singh, he disclosed that he was helped by Manish and Mandeep for procuring bogus documents. It is further the case of prosecution that the aforesaid persons had furnished documents like PAN Card, detailed mark-sheet card etc., some of which were also found to be forged. It is further the case of prosecution that upon interrogation of Munish he disclosed the name of Tilak Raj who was found to be Data Operator in the Passport Office and whose help accused had sought. Tilak Raj in his disclosure statement named Balwinder as an accused stating that said Balwinder had prepared fake detailed mark-sheet in respect of Karan in whose favour the Passport in question had been issued. Balwinder further stated that he had procured the said certificate from Balbir and upon arrest of Balbir, he further nominated Rajinder Thakur from whom the bogus detailed mark-sheet had been procured. The aforesaid accused were arrested between 30.1.2022 and 7.2.2022 and have been in custody ever since the said date.

4. Learned counsel for the petitioners have submitted that they have falsely been implicated in the present case solely on the basis of disclosure statements which would hardly carry any evidentiary value. It has further been submitted that in any case the investigation has already concluded and challan stands presented and since the petitioners have now been behind bars since the last about 6 months, their further detention would not serve any useful purpose as the conclusion of trial is likely to consume time.

5. Opposing the petitions, learned State counsel has submitted that recovery of some amount had been effected from the aforesaid accused. It has also been submitted that during the course of interrogation call detail record was also collected which shows that the aforesaid accused were in touch with each other and which would establish the complicity of the petitioners. Learned State counsel has however, informed that the petitioners have been behind bars for the last about 6 months. Learned State counsel has also informed that all the aforesaid petitioners are also involved in another identical case arising out of FIR No.54 dated 2.2.2022 Police Station Fatehabad, District Fatehabad, under Sections 198, 420, 467, 468, 471, 474 and 120-B IPC and Section 12(1)B of Passport Act, 1967, pertaining to issuance of a Passport in the name of one Harmanpreet.
6. I have considered rival submissions addressed before this Court.
7. It is no doubt correct that during the course of investigation the police has collected evidence mainly in shape of disclosure statements wherein the accused have been nominated. However, apart from the said disclosure statements the evidence upon which the prosecution mainly relies upon is the recovery of some amount. The question as to whether the said amount was taken as a consideration for procuring the bogus documents or not would be debatable inasmuch as it is not the case of prosecution that any identity of the recovered cash could be established. As regards the call details, no doubt there is evidence to show that the accused had been conversing with each other but again it will be debatable

whether the said conversation was in respect of the Passport in question as it is not the case of prosecution that any conversation has been recorded. In any case, petitioners have been behind bars for a substantial period of about 6 months and challan already stands presented. Conclusion of trial is likely to consume time inasmuch as the trial has not even commenced till date and 19 PWs have been cited. No doubt the petitioners are stated to be involved in an identical case i.e. FIR No.54 dated 2.2.2022 wherein verbatim allegations have been levelled, but it is not in dispute that all the petitioners have already been granted regular bail/anticipatory bail in the said case.

8. Having regard to the aforesaid facts and circumstances, further detention of the petitioners will not be justified. The petitions, as such, are accepted and the petitioners are ordered to be released on bail subject to their furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
9. A photocopy of this order be placed on the file of each connected cases.

06.8.2022
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No