

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

214/3

**CRM-M-31461-2022
Decided on : 30.08.2022**

Harjinder Singh

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Sameer Sachdeva, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 69 dated 25.06.2022 under Sections 420, 467, 468 of the Indian Penal Code, 1860 and Section 10(3)(b) and Section 10(3)(e) of Indian Passports Act, 1967 registered at Police Station Mehna, District Moga, Punjab.

On 08.07.2022, a Coordinate Bench of this Court was pleased to pass the following order in CRM-M-28731 of 2022:

*“The petitioner has sought pre-arrest bail in case FIR
No.69 dated 25.06.2022 under Sections 420, 467, 468 IPC*

and Section 10(3)(b) and Section 10(3)(e) of Indian Passports Act, 1967, Police Station Mehna, District Moga, Punjab.

As per allegations in the FIR a communication dated 11.06.2022 was received from ADGP, Anti Gangster Task Force, Punjab, wherein, it was stated that as per reliable inputs, one Arshdeep Singh Gill has managed to obtain an Indian Passport No.R3469354 due to negligence of the police officials in reporting his criminal history in the police verification report for issuing the passport and PCC (Police Clearance Certificate). The complaint was got inquired through SP (HQ) Moga. During inquiry it was found that Arshdeep Singh Gill had applied for a passport to RPO Office Jalandhar and verification was marked to Police Station Ajitwal. It was found that the verification of the passport was conducted by former ASI (Local Rank) Lakhvir Singh by visiting the village of Arshdeep Singh. He reported that Arshdeep Singh was not involved in any terrorist or separatist activity while there were three cases registered against him. It was concluded that Lakhvir Singh had not made any enquiries from respectables of the village i.e. the Sarpanch, Member Panchayat, Numberdar. The petitioner, who was then Head Clerk, Police Station Ajitwal, while recording the verification did not mention about the registration of the cases against Arshdeep Singh Gill, though information in that regard had already been submitted by the concerned Police Station in Form No.12 to Police Station Ajitwal and entries in that regard had been made in Register No.9(3) at the Police Station. On the basis of said verification, passport was issued to Arshdeep Singh Gill. Thereby, it was concluded that the petitioner and Lakhvir Singh had committed grave negligence and irresponsibility in

discharge of their duties.

Mr.Sachdeva, Ld. Counsel for the petitioner has argued that on the aforesaid allegations, departmental proceedings were initiated against him. Vide order dated 10.09.2021 passed by the SSP, Moga the petitioner was dismissed from service. He filed an appeal thereagainst before the DIG, Faridkot Range, who set aside the order of dismissal and ordered reinstatement of the petitioner in service. However, for his negligence in discharge of his duties, five years of his service were ordered to be forfeited for the purpose of increments on permanent basis. He argued that the only charge against the petitioner and co-accused (officials) is of negligence in the discharge of their duties. There is no allegation that the petitioner connived with Arshdeep Singh Gill to submit a false verification report. The petitioner has 32 years of blameless service. He is ready and willing to cooperate with the Investigating Agency.

Notice of motion for 30.08.2022.

Meanwhile, in the event of his arrest, the petitioner- Kuldeep Singh shall be released on interim anticipatory bail to the satisfaction of the Arresting/ Investigating Officer, subject to the conditions provided under Section 438(2) Cr.P.C. He is also directed to join the investigation and cooperate with the Investigating Agency, as and when required.

July 08, 2022
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(HARINDER SINGH SIDHU)
JUDGE ”

Thereafter, on 22.07.2022, Coordinate Bench of this Court was pleased to pass the following order:

“The case of petitioner is similar to that of petitioner Kuldeep Singh in CRM-M-28731-2022.

Notice of motion.

To come up alongwith CRM-M-28731-2022 on 30.8.2022.

In the meanwhile, in the event of arrest of petitioner, he shall be released on interim anticipatory bail to the satisfaction of Arresting Officer/Investigating Officer. He will join investigation as and when called for and cooperate in same. He will abide by conditions of Section 438 (2) Cr.P.C.

*(HARINDER SINGH SIDHU)
JUDGE*

22.7.2022”

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation and is not involved in any other case.

Learned State counsel, on instructions from ASI Surjit Singh, has submitted that the petitioner has joined the investigation and is not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in the order dated 22.07.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 22.07.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case

which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

30.08.2022
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Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No