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

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Date of Decision: 31.05.2023

Ram Kumar Walia

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Ms. Kiran Bala Jain, Advocate
for the petitioner.

Mr. Ram Kumar Singla, DAG, Haryana.

HARSH BUNGER, J. (Oral)

Prayer in the present petition, filed under Section 438 of the Code of Criminal Procedure, is for grant of anticipatory bail to the petitioner in case FIR No.528, dated 10.12.2021, under Sections 201, 420, 467, 468 and 471 of the Indian Penal Code, 1860, at Police Station Baldev Nagar, District Ambala.

2. On 20.04.2023 the following order was passed by this Court :-

“Petitioner (Ram Kumar Walia) has filed the present petition under Section 438 of the Code of Criminal Procedure seeking grant of anticipatory bail in case FIR No.528 dated 10.12.2021, under Sections 201, 420, 467, 468 and 471 of the Indian Penal Code, registered at Police Station Baldev Nagar, District Ambala.

2. Upon issuance of notice, status report by way of affidavit dated 11.04.2023 of Mr. Ramesh Kumar, H.P.S., Deputy Superintendent of Police, (HQs) Amabla, District Amabla has been filed, which is already on record.

3. The aforesaid FIR was registered on the basis of a complaint received in the Office of Superintendent of Police, Ambala from Mr. Sukhbir Singh of Indian Embassy, Vienna, Austria for taking suitable action against Nivpal Singh, who is stated to have taken Passport No.R0427873 from the Regional Passport Office, Chandigarh on the basis of forged documents. It was stated in the complaint that Nivpal Singh was an Asylum Seeker in Austria, who was deported to India on Emergency Certificate issued on 17.10.2016 and he was having an old Passport bearing No.H3959371 issued from Chandigarh, which was valid from 24.04.2009 to 23.04.2019. It was further stated that now the new passport has been issued from Chandigarh and Nivpal Singh has obtained Schengen Visa from France Embassy, accordingly suitable action was requested to be taken in this regard.

4. Learned counsel for the petitioner submits that the petitioner is not named in the present FIR No.528 dated 10.12.2021 and he has been falsely implicated in this case on the basis of disclosure statement of co-accused, namely Nivpal Singh. It is further submitted that the petitioner is neither any agent nor an official of the Passport Office, Chandigarh, from where the co-accused Nivpal Singh had got issued the passport in question. It is stated that there is not even an iota of corroborating material with the police to connect the petitioner with the alleged crime. It is submitted that the petitioner is running a shop for the last 25 years and not even a single complaint has been registered against the petitioner.

5. Learned counsel for the petitioner states that the anticipatory bail application moved by the petitioner before the Court of Additional Sessions Judge, Ambala, has wrongly been dismissed, vide order dated 13.03.2023 (Annexure P-2). Learned counsel submits that the petitioner is ready and willing to join the investigation as and when required by the Investigating Agency or as directed by this Court/trial Court.

6. *Learned State counsel opposes the plea of petitioner on the ground of seriousness of the offences. While referring to status report dated 11.04.2023, learned State counsel submits that in the new Passport of Nivpal Singh, the Date of Birth is mentioned as 22.05.1986, as per his Aadhar Card and the Birth Certificate issued by the Municipal Corporation, Ambala Sadar Zone, however, upon verification, the said Birth Certificate of the petitioner was found to be a forged one. It is further submitted that co-accused, namely Nivpal Singh, was confined in District Jail, Kurukshetra, with regard to another case bearing FIR No.41 dated 31.01.2023 and his production warrants were got issued, whereupon he was arrested in the present case. It is submitted that during the course of investigation, Nivpal Singh had disclosed that he has got prepared the forged Birth Certificate from the shop of R.K. Walia Communication, which is owned by the present petitioner. However, he does not dispute the facts that the petitioner was initially not named in the FIR in question and he has been nominated as an accused only on the basis of disclosure statement of Nivpal Singh.*

7. *List on 31.05.2023.*

8. *Without commenting anything on the merits of the case, petitioner is directed to join the investigation as and when directed by the investigating agency. In the event of arrest of petitioner, he shall be released on ad interim bail to the satisfaction of the Investigating/Arresting Officer and the petitioner shall abide by the terms and conditions laid down under Section 438(2) of the Code of Criminal Procedure.”*

3. Learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation.

4. Learned State counsel on instructions from ASI Mohan Lal has not disputed the aforesaid fact of joining of investigation by the petitioner

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and submits that his custodial interrogation is not required at this stage.

5. Heard learned counsel for the parties.
6. Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, the present petition is allowed and the ad-interim order dated 20.04.2023 passed by this Court is made absolute.
7. However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.
8. It is made clear that if the petitioner fails to comply with any of the bail conditions laid down under Section 438(2) Cr.P.C, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.
9. Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for anticipatory bail at this stage.
10. The petition is accordingly disposed of.

31.05.2023
Himani

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No