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

CRM-M-21677-2021 (O&M)

Date of decision : 15.09.2023

Gurjeet Singh Virk

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Dinesh Maurya, Advocate,
for the petitioner.

Mr. Vikram Singh, AAG, Haryana.

None for respondent No.2.

Mr. J.S. Lalli, Advocate,
for the complainant.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, '*the Cr.P.C.*') has been filed for grant of pre-arrest bail to the petitioner in No.0755 dated 17.12.2020, under Sections 380, 419, 420, 467, 468 & 471 of the Indian Penal Code, 1860 (*for short 'the IPC'*), registered at Police Station Assandh, District Karnal.

2. Allegations in brief are that petitioner misused the Passport of the complainant by affixing his own photograph and even travelled abroad.

3. The Coordinate Bench granted interim bail to the petitioner on 01.06.2021, in the following manner:-

“Counsel for the petitioner herein would contend that the petitioner has been falsely implicated in the present FIR. It is argued that the petitioner herein has never used the passport initially issued to the complainant, which was purportedly lost and utilized by some person. It is argued that the petitioner herein has been issued his own passport in the year 1993 bearing Passport No.R038597 and has now been issued another passport on 04.10.2019 bearing Passport No.U0756231, which is valid till 03.10.2029. It is argued that on the basis of his own documents, he has been issued Alien Certificate of Registration by the Republic of the Philippines, which document is now valid till 11.02.2025. It is contended that the petitioner herein is ready to join the investigation and cooperate.

Notice of motion for 30.11.2021.

At this stage, Mr. Munish Sharma, AAG Haryana, who is appearing through the medium of video conferencing, accepts notice on behalf of the respondent-State.

Meanwhile, the petitioner is directed to join the investigation within a period of one week and on his doing so, in the event of arrest the petitioner be released on interim bail to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

4. Contends that in terms of the aforesaid order, petitioner has already joined investigation and his custodial interrogation is not required.

5. *Per contra*, learned State Counsel, on instructions, submits that although petitioner has joined the investigation, but his custodial interrogation is required as the Passport of the complainant is yet to be recovered.

6. Learned counsel for the complainant also vehemently opposed the prayer of the petitioner on the premise that petitioner has travelled abroad after affixing his photograph on Passport of the complainant.

7. Heard both sides and perused the paper-book.

8. There is no allegation that complainant handed over his Passport to the petitioner; nor it is the case of prosecution that petitioner has stolen the Passport in question. Thus, in such scenario, it is not conceivable as to how the petitioner could misuse the Passport of complainant in the manner alleged.

9. Be that as it may, all these allegations are to be proved beyond reasonable doubt by the prosecution before learned trial Court, after leading evidence.

10. In view of above, interim order dated 01.06.2021 is made absolute, subject to the conditions as envisaged under Section 438(2) Cr.P.C.

11. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation in the matter.
12. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
13. Disposed off accordingly.

15.09.2023
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(MAHABIR SINGH SINDHU)
JUDGE

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