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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM M – 50078-2023
Date of decision: 06.10.2023*Naim Chand**.....Petitioner**Versus**State of Haryana**.....Respondent***Coram: Hon'ble Mr. Justice Rajbir Sehrawat**Present: Mr. Manu Sachdeva, Advocate and
Mr. Abhimanyu Singh, Advocate
for the petitioner

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Rajbir Sehrawat, J. (Oral)

1) The present petition has been filed under Section 438 of the Code of Criminal Procedure, praying for grant of anticipatory/pre-arrest bail to the petitioner in case FIR No. 947 dated 07.12.2021, registered under Sections 120-B, 419, 465 and 467 of the Indian Penal Code, at Police Station Camp Palwal, Districts Palwal.

2) It is submitted by counsel for the petitioner that the case against the petitioner is totally false and concocted. The petitioner has not committed any crime as alleged. Even as per the story of the prosecution, the petitioner is alleged to have conducted driving test of one Shefali, for issuance of driving licence, which the prosecution is, now, claiming to be the fake one. However, there is nothing with the police or even with the department concerned that the petitioner had ever conducted the said test. In the process of issuance of driving licence to the above said Shefali, there are no signatures of the petitioner any-where. Moreover, the petitioner has already retired from the service. The entire material required for investigation is already in the possession of the department. Therefore,

nothing is to be recovered from the petitioner. The petitioner shall join the investigation as and when called by the police. Hence, the petitioner deserves to be protected against his arrest.

3) Notice of motion.

4) Mr. Krishan Kumar Chahal, Additional Advocate General Haryana accepts the notice on behalf of the respondent - State.

5) Counsel for the State, on instructions from SI Sanjay, has submitted that the petitioner was deeply involved in the issuance of fake driving licence to the said Shefali. It was the duty of the petitioner to conduct the driving test of the said candidate. However, the petitioner has deliberately not signed the papers but the said candidate has been declared as pass through the computer entries made from the login ID of the petitioner. Therefore, it cannot be said that the petitioner is not involved in the crime as such. However, it is not disputed that the petitioner already stand retired from service and the documents, relating to the issuance of driving licence in question, are not in the exclusive possession of the petitioner any more. It is also not disputed that no other case is pending against the petitioner.

6) In view of the above, but without commenting anything on merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail, subject to his furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall 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.

(Rajbir Sehrawat)
Judge

October 06, 2023

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Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No