

2024-PHHC-085410



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

CRM-M-10228-2024

Date of Decision : 10.07.2024

HAPPY SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Gaurav Datta, Advocate,
for the petitioner.

Mr.Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. On 03.04.2024, the following order was passed by this
Court:-

“Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner has sought the concession of anticipatory bail, in case FIR No.19 dated 30.08.2018, under Sections 420, 120-B of the IPC, 1860, and, under Section 12(1)(b) of the Passports Act, 1967, registered at P.S. PS NRI, District Police Commissionerate Ludhiana

The private complainant who has a previous litigation with the present petitioner, made a complaint to the prosecution agency, that the present petitioner in connivance with his brother namely Satnam Singh, got prepared a forged and fabricated date of birth certificate, and on the basis of that, the petitioner got the clearance from the concerned department, which enabled the petitioner to secure the citizenship of France.

It is not under dispute that the prosecution agency was not set into motion by any complaint by the authority of France, rather on a complaint made by a private complainant, who has previous litigation with the petitioner.

It is also not in dispute that the main accused Satnam Singh, who is the brother of the petitioner, who is in India, according to the allegations as levelled against him, helped the petitioner to secure the fabricated birth certificate, has already been extended the benefit of prearrest bail.

At this stage learned counsel for the petitioner submits that since the petitioner is a citizen of France, and he is ready and willing to join the investigation, therefore, he may be given at least a month's time to schedule his visit to India.

In view of the above, the petitioner is directed to join the investigation with the investigating officer on 06.05.2024.

In the meanwhile, arrest of the petitioner shall remain stayed.

It is further ordered that the petitioner shall not be arrested on his arriving at airport in India.

In case, the petitioner does not join the investigation on or before the date fixed, the interim protection as granted by this Court shall ipso facto vacated, without any further reference to this Court.

Adjourned to 20.05.2024.”

2. Learned State counsel, on instructions to him by ASI Gurmail Singh, submits that the petitioner has already joined the investigation in pursuance to the aforesaid order, and he has co-operated with the investigation process, however, the birth certificate pertaining to the petitioner is yet to be recovered.

3. Since the requisite birth certificate can be procured from the office of Registrar of Birth and Death concerned, therefore, this Court is of the opinion that the custodial investigation of the petitioner is not required.

4. In view of the above, the present petition is **allowed**, and order dated 03.04.2024 is, hereby, made absolute, on the terms and conditions as envisaged under Section 438(2) of the Cr.P.C.

July 10, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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