

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

103

CRM-M-12063-2024
Decided on: 14.03.2024

Baldev Singh Gill

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. B.S. Bhalla, Advocate
for the petitioner.

Ms. Swati Batra, DAG, Punjab (Through VC).

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
135	13.07.2008	City Moga, District Moga	218, 420, 465, 467, 468, 471, 472, 120-B IPC, 13(2) of PC Act 1988 and Passport Act

1. The petitioner who is aged 75 years, apprehending arrest in the FIR captioned above registered in the year 2008, has come up before this Court under Section 438 CrPC seeking anticipatory bail by filing the present petition.
2. Vide order dated 07.03.2024, this Court had granted interim bail to the petitioner which is continuing till date.
3. Prosecution’s case is being taken from the reply dated 14.03.2024, which reads as under:-

“2. That present case bearing FIR No.135 dated 13.07.2008 u/s 218, 420, 465, 467, 468, 471, 472, 120B IPC, Section 13(2) of PC Act 1988 and Passport Act 1967 Police Station City Moga was initially registered against C. Jaswinder Singh, C. Ranjit Singh, Brar Travel agent, Balwinder Singh Clerk, Ranjit Singh Postman, Didar Singh Superintendent, C. Gurdial Singh r/o Chak Kisana on the complaint of Social Worker namely Satpal Singh. Brief facts are that a Social Worker had moved an application before SSP, Moga with allegations that C. Jaswinder Singh, Ranjit Singh,

Gurdial Singh and some other persons of passport department/branch have taken huge bribes and got issued fake passports by forging the signatures of others. In order to get passport, they have been forging ration cards and birth certificates too. This bungling has been committed in collusion with Brar Travel Agent who played his role by applying passports for bad elements by forging ration cards and birth certificates and thereafter providing file number to the above said accused. Balwinder Singh Clerk has played his role by creating fake birth and death certificates. Ranjit Singh collected the payment. Fake ration cards were got made from Food and Supply department. They used to give address of their own residence while forging most of passports and lakhs of rupees has been taken against preparation of fake passport by them and the money received in lieu thereof was divided amongst them.

3. That on the basis of said application, enquiry was conducted by DSP (City), Moga and during enquiry all the allegations leveled by complainant were found genuine and after completion of enquiry present case has been registered. After registration of the case the record of all the passports issued during said period were checked.

4. That during investigation it also transpired that petitioner obtained passport on the basis of fake ration card and fake DDR dated 20.08.2004, due to which petitioner has also been arrayed as accused in this case.

5. That petitioner had got issued his passport on the basis of forged documents i.e. Ration card and DDR, so custodial interrogation of the petitioner is required in the present case.”

5. Petitioner seeks bail on the grounds that he is aged 75 years, his ailments related to old age and also on the ground that the FIR pertains to the year 2008. Next argument is that despite various opportunities, the investigator did not arrest the petitioner which shows that there was never any need to arrest him and now they have no right to oppose the present petition. He further contends that custodial interrogation and pre-trial incarceration would cause an irreversible injustice to the petitioner and family.

6. State counsel by referring to para Nos.4 & 5 of the reply, opposes the bail and submits that the petitioner had obtained a passport based on the fake ration card and fake DDR, as such his custodial interrogation is required.

7. An analysis of the arguments point out that considering the petitioner's age i.e. 75 years, coupled with the old age ailments from which he is suffering and the fact that FIR pertains to the year 2008 and despite massive opportunities investigator fails to arrest the petitioner which points out towards the fact that the investigator in fact never wanted to arrest him and coupled with other fact that petitioner is a first offender, petitioner makes out a case for bail.

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8. Given above, petition is allowed and interim order dated 07.03.2024 is made absolute. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

14.03.2024
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Whether speaking/reasoned: Yes
Whether reportable: No.