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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13798-2024
Date of decision : 01.05.2024

SAGARPetitioner

Versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Karanjit Singh, Advocate for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.42 dated 09.11.2016 registered for the offences punishable under Sections 419, 420, 467, 468, 471, 120-B of the Indian Penal Code, 1860 at Police Station Airport, Amritsar.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. As per the contents of the FIR it was alleged as under :

“To the Incharge, Police Station Airport, Amritsar. City. registration of case, Sir, Today (08.11.2016) during depature immigration clearance of Qater Airways flight No.QR-551, Qatar Airways Staff brought one pax namely Arjan Singh S/o Bahadur Singh, Vill Bullewal, PO Nadala Bholath Kapurthala, Punjab holder of UK Passport No.800702240 {DOB- 30.12.1987) affixed with Indian Visa No. V13598602 at

Immigration Office SGRDJ international Airport Amritsar to establish authenticity of his travel documents as the pax approached at Qatar Airways counter at SGRDJ in Airport Amritsar for issuing boarding card to travel to Canada. Qatar Airways Staff contacted the UK embassy to check the authenticity of the passport later Qatar Airways Staff given a letter and mentioned that the UK passport is forged (copy enclosed) during scrutiny of the documents Indian Visa Sticker No.V13598602 and arrival stamp of IGIA New Delhi affixed on the page No.14 & 15 on his passport were also found forged. While questioning pax revealed that UK passport and Indian Visa was arranged by his school male friend Kamal presently staying in UK, which was handed over to him by an agent namely Sagar (Phone No.9878553920) at Jalandhar after paying 27 (Twenty Seven) lacs as the above mentioned Pax is in possession of a forged UK passport with forged Indian Visa. Hence, the pax is handed over to you for registration of a case under relevant section of law.xxx”

4. The allegation against the petitioner was that he handed-over passport and visa to the traveller after receiving it from Kamaldeep Singh. The said passport and visa were found to be forged.
5. Counsel for the petitioner relies upon order dated 1st of September, 2023 passed in CRM-M No.43596 of 2023 whereby the main accused Kamaldeep Singh has been ordered to be admitted to bail observing as under :

“Notice of motion.

On advance service of copy of petition, learned State counsel appears and accepts notice on behalf of respondent-State of Punjab and seeks time to file reply.

Post it on 10.10.2023.

Meanwhile, no coercive steps be taken on arrival of the petitioner in India. Petitioner who is stated to be resident of U.K.

On his arrival in India, he is directed to cause appearance on his own before the trial Court within a period of four weeks after his arrival and upon his surrendering before the Court below he shall be admitted on bail subject to the furnishing of bail bonds and surety to the satisfaction of the Court below.

In the meantime, operation of the impugned order shall remain stayed.”

6. The petitioner was declared as proclaimed offender. The aforesaid order is subject matter of challenge in a separate petition i.e. CRM-M No.7181-2024 wherein while issuing notice of motion on 13th of February, 2024, this Court observed as under :

“Challenge is to the order dated 09.04.2018 passed by CJM, Amritsar whereby the petitioner has been declared as Proclaimed Offender in case FIR No.42 dated 09.11.2016 registered for the offences punishable under Sections 419/420/467/468/471/120-B of the Indian Penal Code, at Police Station Airport, Amritsar.

Counsel for the petitioner *inter alia* submits that the proceedings under Section 82 Cr.P.C. were initiated at the back of the petitioner who was not in the county but was abroad. He further submits that the petitioner is ready to surrender before the Trial Court.

May do so on or before 19.02.2024.

Issue notice of motion returnable for **19.03.2024**.

Mr. Tarun Aggarwal, Sr. DAG, Punjab accepts notice on behalf of the respondent/State of Punjab.

In case the petitioner surrenders and applies for bail, his bail plea shall be decided within three days in accordance with law.

The petitioner shall also deposit an amount of Rs.20,000/- as costs with the Punjab and Haryana High Court Bar Association Lawyer's Family Welfare Fund.

In the meantime, operation of the impugned order (Annexure P-2) shall remain stayed.”

7. Petitioner surrendered before the Trial Court in compliance of the said order and is now behind bars for more than 2 months and 11 days.
8. State Counsel is not in position to dispute the factual assertions made by counsel for the petitioner based on record.
9. I have heard counsel for the parties and have gone through records of the case.
10. Without commenting on the merits of the case, keeping in view the fact that the main accused already stands admitted to bail, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
11. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

May 01, 2024		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No