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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20941-2023
Date of decision: 08.02.2024

Rahul
Versus
State of Haryana
...Petitioner
...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Rajesh Lamba, Advocate and
Ms. Krity Lohar, Advocate
for the petitioner.

Mr. Amandeep Joshi, DAG, Haryana.

VIKAS BAHL, J. (ORAL)

1. This is the first bail application filed under Section 438 Cr.P.C. for grant of bail in anticipation of arrest in FIR No. 33 dated 10.02.2023 registered under Sections 420, 467, 468, 471 and 34 of the Indian Penal Code, 1860 at Police Station BPTP, District Faridabad.
2. On 28.04.2023, a coordinate Bench of this Court was pleased to pass the following order:-

“Learned counsel for the petitioner contends that in pith and substance the subject matter of the present FIR is the same as that of FIR No.212 dated 21.07.2022 registered under Sections 420, 465, 467, 468, 471, 120-B IPC at Police Station BPTP, Faridabad, in which the petitioner has already been granted regular bail by the Court of Sessions vide order dated 16.01.2023.

Learned State counsel may apprise this Court about the complicity of the petitioner in terms of his overt act after grant of regular bail on 16.01.2023 in earlier FIR. The disclosure statement of co-accused, if any arrested in the present case be also brought on record with reference to any such new attempt made by the petitioner subsequent to the grant of regular bail in earlier FIR.

Adjourned to 17.07.2023.

Till the next date of hearing, the petitioner shall join the investigation to the satisfaction of Arresting Officer. In the event of his arrest, he shall be enlarged on interim bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

However, interim bail shall not be construed to be an opinion on the merits of the case.

(RAJ MOHAN SINGH)
JUDGE”

Learned counsel for the petitioner has submitted that FIR No. 212 dated 21.07.2022 under Sections 420, 465, 467, 468, 471, 120-B IPC was registered at Police Station BPTP, Faridabad and vide order dated 16.01.2023 passed by the Additional Sessions Judge, Faridabad, the petitioner was granted regular bail in the said FIR. It is submitted that the allegations in the said FIR are similar to the allegations made in the present case inasmuch as, even in the said FIR, it was alleged that forged Aadhar Cards of certain Nigerians have been prepared and the same were bearing fake signatures and stamp of the local MLA. It is submitted that after grant of regular bail in the abovesaid case, the present FIR No. 33 dated 10.02.2023 has been registered in the same police station on the complaint

given by the local MLA with respect to his stamp being fictitiously used for making the said Aadhar Cards and the petitioner is sought to be implicated on the basis of a disclosure statement of a co-accused. It is submitted that as per the reply dated 02.02.2024 filed by the State, it has been stated in paragraph 8 of the same that the challan against the petitioner has already been presented and thus, the custody of the petitioner would not be required. It is argued that once the first FIR has been registered, the second FIR i.e. the present FIR could not have been registered with respect to the same alleged offence. It is further argued that the petitioner has duly joined the investigation and is not required for further investigation as the challan has already been filed against the petitioner.

Learned State counsel, on the other hand, has submitted that in pursuance of the order of this Court dated 15.01.2024, Inspector Shri Bhagwan, SHO alongwith SI Suresh Kumar, Police Station BPTP, District Faridabad is present in the Court today and has filed reply. He has submitted that as per paragraph 8 of the reply, challan qua the petitioner has been filed in the present case and the custodial interrogation of the petitioner (accused) is not required on account of the said fact. It is however submitted that the present FIR has been registered on the specific complaint made by the MLA whereas the first FIR was registered on secret information.

Keeping in view the abovesaid facts and circumstances, moreso, the fact that even as per the reply dated 02.02.2024 filed by the State, the challan qua the petitioner has already been presented and the custodial interrogation of the petitioner is not required in view of the said

fact, the present petition is allowed and the interim order dated 28.04.2023 passed by the coordinate Bench of this Court is hereby made absolute.

08.02.2024
Mehak

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No