



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

1. CRM-M No.27093 of 2024

Yadwinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

2. CRM-M No.33004 of 2024

Deepak Arya @ Deepak Dhankar

... Petitioner

Versus

State of Punjab

... Respondent

Date of decision: 24th September, 2024

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Aman Pal, Advocate for the petitioner
in CRM-M No.27093 of 2024.

Mr. Sandeep S. Jattan, Advocate for the petitioner
in CRM-M No.33004 of 2024.

Mr. Amit Rana, Sr. Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J.

1. The petitioners in both the petitions detailed hereinabove are seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.24 dated 13.03.2024 under Sections 419, 465, 467, 468, 471, 120-B of the IPC, Section 12 of the Passport Act, 1967 and Section 25 of the Arms Act, 1959 registered at Police Station Model Town, District Ludhiana. Since both these petitions have arisen out of the same FIR,

they are being taken up together for disposal by way of this common order.

2. Learned counsel for the petitioner, Yadwinder Singh, submits that two years prior to the registration of the present FIR, a case under Section 376 of the IPC had been initiated by the petitioner's wife against a senior police official. It is argued that this police official, harboring a deep-seated grudge due to the petitioner's refusal to withdraw the said case, has maliciously orchestrated the instant FIR by fabricating false allegations against the petitioner. Learned counsel has submitted that co-accused Deepak Dhankar alias Deepak Arya, was a tenant in his house and that the recoveries of forged passports and other documents were made from Deepak Dhankar alias Deepak Arya, and not him. It has been asserted that hence, he had no involvement in the fabrication of these fraudulent documents, which have been wrongly attributed to him in the FIR.

3. It has been further submitted by the learned counsel that petitioner Yadwinder Singh has been in custody since 13.03.2024 in a case triable by a Magistrate, and since the chargesheet has been presented, charges framed, his further incarceration would serve no useful purpose, especially given that 21 prosecution witnesses have been cited, and the trial therefore, is likely to be prolonged.

4. Similarly, learned counsel for the petitioner, Deepak Arya alias Deepak Dhankar, contends that he has been falsely implicated due to the animosity between his landlord, co-accused Yadwinder Singh, and a police official. It is submitted that since the investigation has

concluded and charges framed, further incarceration of petitioner Deepak Arya alias Deepak Dhankar would also be unwarranted, more so, since he has now been in custody for more than six months, having been arrested on 13.03.2024, and there is no risk of him tampering with evidence, as all the material allegedly collected against him is already part of the challan.

5. Per contra, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite, by reiterating the allegations levelled in the FIR which stands reproduced hereinunder, and stressing upon the gravity of the allegations levelled against the petitioners.

“SHO P.S. Model Town, Ludhiana, "Jai Hind", today I, SI along with ASI Boota Singh no. 1128, ASI Pritpal Singh No. 1157, SC Sikander Singh No. 2024, SC Sunil Kumar No. 1178, SC Gurdeep Singh No. 3489, L/CT Soma Rani No. 3950, along with private laptop and printer were near Gol Chowk, Chattar Singh Park, Model Town, Ludhiana in our official vehicle no. PB-10GK-0572 being driven by ASI Jasvir Singh No. 1714 in search of bad elements of society. A secret informant in person informed me, SI, that Deepak Dhankhar s/o Krishan r/o Ward No. 01, Ravidas Mandir wali gali, Kharkhoda, Sonipat, Haryana, against whom already 4-5 criminal matters have been registered, who in conspiracy with Yadwinder Singh Jagannath r/o M.I.G. Flat, Phase 02, Urban Estate, Patiala prepares passports of criminals by forging their names and sends them to foreign countries. Yadwinder Singh mentions himself as an immigration agent. Deepak Dhankhar also prepared his fake passport No. U9374399 in the name of

Aryan from Chandigarh. The accused persons have committed offences u/s 419, 465, 467, 468, 471, 120-B of IPC & u/s 12 of Passports Act, 1967. A ruqa to register a case against Deepak Dhankhar and Yadwinder Singh is prepared by L/Ct Soma Rani No. 3950 by typing in her laptop and printing it and is sent through SC Gurdeep Singh No. 3489. The FIR no. be informed after registering the case. Special reports shall be issued. I, SI along with other colleagues are going in search of the accused persons. Location: - Gol Chowk near Chattar Singh Park, Model Town, Ludhiana, time about: 07:15 P.M. Sd./ Amarjit Singh, Crime Branch-1, Ludhiana.”

6. Learned State counsel, on instructions, has contended that petitioner Yadwinder Singh was running a photocopy centre where he facilitated the preparation of forged documents, including passports, Adhaar Cards, driving licenses, and PAN cards. These fake documents enabled several criminals to evade legal proceedings and flee the country. Petitioner Deepak Arya @ Deepak Dhankar was also a partner in crime along with co-accused Yadwinder Singh. It has been submitted, on instructions, that a huge number of counterfeit documents, including those of the individuals already involved in serious criminal cases and who had escaped from the country, were recovered from the possession of both these petitioners.

7. While drawing the attention of this Court to the reply filed by way of an affidavit of Raj Kumar, PPS, ACP, Detective-I, Ludhiana dated 30.07.2024, the learned State counsel has highlighted the role played by both the petitioners as to how they conspired with each other

to create fake documents by altering the identity of petitioner Deepak Dhankar to Deepak Arya. It has been submitted that petitioner Deepak Arya @ Deepak Dhankar, in pursuance of his disclosure statement, got recovered numerous forged documents, including Arms licenses and rent agreements. It has also been pointed out that accused Deepak Arya @ Deepak Dhankar has previous criminal antecedents having been involved in as many as seven other criminal cases, which have been detailed in the reply filed by the State. Learned State counsel, while specifically drawing the attention of this Court to the allegations levelled against the petitioner Yadwinder Singh, has submitted that he played pivotal role in the preparation of the fake documents by altering the identities of the criminals and issuing fake documents from his own address. The recoveries made from his shop, including multiple fake Aadhar Cards, passports, driving licenses and other documents, are proof of his extensive involvement in aiding fugitives. It has been asserted by the learned State counsel that as a result of the role played by the petitioners, six criminals facing charges in different courts had successfully fled the country using forged documents prepared by the petitioners. As per the learned State counsel, four of these persons had numerous criminal cases pending against them with one person Jagpreet Singh, facing trial in as many as 17 different criminal cases.

8. Given the magnitude of the involvement of the petitioners in enabling criminals to evade legal process and escape from the country, the learned State counsel has prayed for dismissal of the instant petitions by asserting that they pose a substantial flight risk. The ease with which

multiple criminals were able to flee the country, owing to the fake documents provided by the petitioners, learned State counsel submits, it raises a very genuine and plausible risk that the petitioners themselves may abscond and evade justice if released on bail.

9. Prima facie, there are serious and grave allegations against the petitioners of being involved in a well orchestrated conspiracy to fabricate forged documents and thereby facilitating the escape of several criminals from the country. While the case is triable by a Magistrate, the seriousness of the charges levelled against the petitioners, and the likelihood of the petitioners’ absconding, given their prima facie role in enabling some fugitives to flee, cannot be ignored.

10. In the facts and circumstances as enumerated hereinabove, this Court is not inclined to extend the concession of bail to the petitioners. Both the petitions are dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

September 24, 2024
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No