

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34054-2024
Reserved on: 09.08.2024
Pronounced on: 30.08.2024

Gurpreet Singh alias Gopi ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Bindu Tanwar, Advocate
for the petitioner.

Mr. Rajat Gautam, Addl. A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
360	20.08.2020	City Tohana, District Fatehabad, Haryana	420, 467, 468, 471, 474, 198, 201, 120-B IPC; 12(1)(B) of Passport Act, 1967; 7/8/12 of PC Act and 66-C & 66-D of IT Act 2000

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, 1973, seeking regular bail.
2. As per paragraph 9 of the bail petition and para 12 of the status report, the accused has the following criminal antecedents:-

Sr. No	FIR No.	Dated	Offences	Police Station
1	107	25.02.2010	323/324/148/149 IPC	City Hoshiarpur, Punjab
2	103	21.08.2020	323/324/452/148/149 IPC	Mahilpur, Hoshiarpur, Punjab
3	176	10.09.2008	323/148/149/506 IPC	G.S. Gadhshanker, Hosharipur, Punjab
4	208	16.10.2008	323/324/148/149/506 IPC	G.S. Gadhshanker, Hosharipur, Punjab
5	119	01.09.2013	22 of NDPS Act	Mahilpur, Hoshiarpur, Punjab
6	98	07.09.2018	379-B IPC	Mahilpur, Hoshiarpur, Punjab
7	47	10.07.2021	399/402/482 IPC and Section 25 of Arms Act	Nurmahal, District Jalandhar, Punjab
8	04	30.01.2020	307/397/482/120-B/201 IPC and Section 25 of Arms Act	Rawalpindi, District Kapurthala
9	14	03.02.2023	25 of Arms Act and	Payal, District Ludhiana

			Sections 420/ 465/ 467/468/471/120-B IPC	
10	149	14.12.2019	307/323/324/325/326/50 6/341/148/149/120-B and Section 25 of Arms Act	Payal, District Ludhiana

3. The facts and allegations are being taken from the status report filed by the concerned DySP, which reads as follows:

““3. That briefly stated facts of the case are that the present case was registered on the complaint of Inspector Jagjit Singh, Incharge Security, Fatehabad with the averments that on 21.7.2020, three passport applications form (1) Sandeep Kumar son of Sanjeev Kumar, resident of House No. 245, Ward No. 5, Prem Nagar, Near Kutia, Tohana (2) Harpreet Singh son of Ranjit Singh, resident of House No. 270, Ward no. 5, Prem Nagar, Near Kutia, Tohana and (3) Karamvir Singh son of Nirmal Singh, resident of House No. 256, Ward No. 5, Prem Nagar, Near Kutia, Tohana containing same mobile No. 75289-83071 were received in his office. On having suspicion, efforts were made to contact on the said mobile number, but the same was found to be switched off. On verification by S.H.O. Police Station, City Tohana, it revealed that the applicants mentioned in the said passport applications were not found residing at the given addresses. During enquiry, two other application forms were also found containing the same mobile No. 75289-83071 whereas 24 passport application forms were also found containing mobile No. 78892-78084. On enquiry, the passport applicants were not found residing at the given addresses. Upon the said complaint, above-mentioned F.I.R. was registered and Special Investigating Team was constituted.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“11. That the motive behind preparation of fake passport is that the petitioner/accused is involved in numbers of Criminal Cases and he wanted to skip the Trial of cases by going in Foreign countries with the help of fake passport. That as per record the petitioner/accused got prepared his passport in the fake name & address ie. Sandeep Kumar son of Sanjeev Kumar, resident of House No.245, ward No.5, Prem Nagar, Near Kutiya, Tohana.

13. That as far as role of the petitioner/accused is concerned the petitioner/accused applied for preparing his fake passport with fake documents and he himself appeared before the passport authority Office at Chandigarh for getting prepared his fake passport with the help of

fake documents, however; not get successful in the same. That the fake passport of the petitioner/accused is already recovered in the present case from passport Office, Chandigarh.”

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. Per the custody certificate dated 02-08-2024, the petitioner has been in this FIR since 28-07-2021. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order.

8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

12. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

13. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants

to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

14. Petition allowed in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

30.08.2024
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.