

(300)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-61960-2023

Date of Decision: 16.04.2024

BALJINDER SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ajay Pal Singh Rehan, Advocate
for the petitioner.

Mr. Mohit Saroha, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.199 dated 21.08.2019 registered under Sections 419, 420, 465, 467, 468 and 471 IPC and Section 12 of the Passports Act, 1967 at Police Station Beas, District Amritsar.

2. The present FIR came to be registered at the instance of Baljinder Singh son of Jaimal Singh and the same reads as under:-

*“To the Senior Superintendent of Police, Amritsar (Rural).
Subject:- For taking necessary legal action under section 420 of IPC against Baljinder Singh son of Jaimal Singh, resident of village Sathiala, Patti Khuh Wali, Amritsar. Sir, on the subject above mentioned it is requested that:- 1. That my name is Baljinder Singh son of Jaimal Singh, resident of village Gandowal, Police Station Tanda, District Hoshiarpur and I am a peace loving citizen. 2. That I have passed my 10th class examination from Government Senior Secondary School, Khemkaran in the year 2002. 3. That I had applied for issuance of passport on 31.12.2018 in the*

office of Passport Officer at Hoshiarpur. After I submitted my papers in the Passport Office, I got information that a passport has already been issued in my name. Upon enquiry it was revealed that because of similarity in names, above stated Baljinder Singh son of Jaimal Singh, resident of Sathiala had got issued a passport in his name from the Passport Office at Amritsar by using copy of my 10th class certificate by getting a duplicate copy of said certificate from the office of education board. I had never applied for passport before this. 4. Thereafter we enquired about this from this person after reaching his village and he admitted that he has got this passport issued in his name by giving money to some agent. We asked him to surrender this illegally obtained passport in the office of passport officer and he assured us in the presence of sarpanch of village that he will surrender it in the office of passport officer but till today he has not surrendered the same. 5. That I had already submitted a complaint in this regard in Police Station Beas, but till today no action has been taken. Every time the matter is delayed. 6. That above stated person namely Baljinder Singh, resident of Sathiala has obtained this passport by illegally procuring and using my 10th class certificate. In this way he has committed forgery by concealing his identity. 7. That he has violated the law in this way. 8. That through this complaint I request you to take action against this person for committing forgery and justice be done to me. Sd./- Baljinder Singh son of Jaimal Singh, resident of Gandowal, district Hoshiarpur.”

3. The learned counsel for the petitioner contends that the petitioner was not a well-educated person and in the year 2009 as he was unemployed, he was allured by a travel agent Suresh Kumar for getting employment as a Mason in Dubai. The passport had been got issued by the said Suresh Kumar on his own and the petitioner had no role to play in the

CRM-M-61960-2023

same. Later when the petitioner became aware of the mischief been played by the travel agent efforts were made to trace him but he could not be traced. Thereafter, the petitioner surrendered the passport after he was told about the misuse of the 10th class certificate of the complainant. As the petitioner was a first-time offender, in custody since 26.09.2023 but none of the 17 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail moreso when it was a case triable by the Court of a Magistrate.

4. A short reply dated 16.04.2024 by way of an affidavit of Suvinder Pal Singh, PPS, Deputy Superintendent of Police, Sub-Division Baba Bakala Sahib, Amritsar (Rural) has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. While referring to the reply, he contends that the petitioner procured the passport in the name of the complainant and for the said purpose a copy of the 10th class certificate of the complainant was misused. Therefore, the nature of the allegations levelled against him did not entitle him to the grant of bail. He, however, concedes that the petitioner was a first-time offender, in custody since 26.09.2023 and that none of the 17 prosecution witnesses had been examined so far.

5. I have heard the learned counsel for the parties.

6. This Court in the case titled as ***Maninder Sharma Vs. State Tax Officer, State, Mobile Wing, Jalandhar, Punjab bearing CRM-M24033-2021(O&M) Decided on 31.08.2022*** has held as under:-

“Therefore, broadly speaking (subject to any statutory restrictions contained in Special Acts) , in economic offences involving the IPC or

Special Acts or cases triable by Magistrates once the investigation is complete, final report/complaint filed and the triple test is satisfied then denial of bail must be the exception rather than the rule. However, this would not prevent the Court from granting bail even prior to the completion of investigation if the facts so warrant.”

7. The veracity of the prosecution case against the petitioner shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is a first-time offender, in custody since 26.09.2023 and none of the 17 prosecution witnesses have been examined so far. There are no serious apprehensions expressed by the State that the petitioner would abscond from justice, tamper with the evidence or influence witnesses if granted the concession of bail. Therefore, in this situation, the further incarceration of the petitioner is not required.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Baljinder Singh son of Jaimal Singh is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

16.04.2024

JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No