

CRM-M-46446-2024
CRM-M-54927-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46446-2024
Reserved on: 06.03.2025
Pronounced on: 25.03.2025

Gurmeet Singh ...Petitioner

Versus

State of Haryana ...Respondent

CRM-M-54927-2024

Manjit Kaur ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Amit Thakur, Advocate
for the petitioner.

Ms. Harpreet Kaur, A.A.G., Haryana.

Mr. C.S. Jattana, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
282	29.06.2024	Palam Vihar, District Gurugram	420, 120-B, 467, 468, 471 IPC and 12 of Passport Act

1. The petitioner(s) apprehending arrest in the FIR captioned above have come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. Per paragraph 11 of the bail petition, the accused declares the following criminal antecedents:

Sr. No.	FIR No.	Date	Offence	Police Station
1.	167	07.06.2021	420, 120-B IPC and 13 of Punjab Travel and Professionals (Regulations) Act	Sadar Mansa

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3. In paragraph 10 of the bail petition (CRM-M-54927-2024), the accused declares that she has no criminal antecedents.

4. The facts and allegations are being taken from status report filed by State counsel, which reads as follows:

“3. That the facts leading to the registration of the FIR aforementioned are that 29.06.2024, on complaint was received in which the complainant Nirmal Singh had asserted that one Lady Constable no. 549/Ferozpur namely Manjeet Kaur daughter of Sulakhan Singh and one agent namely Gurmeet Singh (petitioner herein) son of Darshan Singh in connivance with each other had got issued fake and forged passport and on the basis of same traveled abroad. It was further asserted that the aforesaid persons submitted fake, forged and fabricated documents before the Passport Authority to get the passports No. T-7383816 for Manjeet Kaur, U-6304852, M-2969540 for Gurmeet Singh (petitioner) and U8956304 for Paramveer Singh. The passports No.T-7384816 was issued in place of U-6304852 on dated 26.02.2021 which was valid upto 25.02.2031 and was impounded by the passport Authority Delhi. Passport No. U-8954798 dated 15.03.2021 was issued to Tajinder Kaur and was impounded by the passport Authority, Delhi. Tajinder Kaur, Gurmeet Singh (petitioner) and Paramveer Singh had provided false addresses to get the passports issued. Legal action was sought. The present FIR was accordingly registered and investigation was taken up.”

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

6. The State’s counsel opposes bail and refers to status report.

7. Counsel for the petitioners submits that the matter has been compromised with the complainant.

8. Counsel for the complainant submits that he has no objection if this Court grants bail.

9. Given the fact of compromise between the parties, pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

10. Given the above, the penal provisions invoked 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 custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioners make a case for bail.

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This order shall come into force from the time it is uploaded on this Court's official webpage.

11. Given above, provided the petitioners are not required in any other case, the petitioners shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

12. While furnishing a personal bond, the petitioners 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)	

13. This order is subject to the petitioner's complying with the following terms.

14. The petitioners are directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioners shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioners shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioners shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

15. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

16. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

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

18. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioners 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.

19. **Petition(s) allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

25.03.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.