



CRM-M-26868-2026

1

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

210

**CRM-M-26868-2026
Date of Decision:-26.05.2026**

NIHAL SINGH

.....PETITIONER

VS.

STATE OF HARYANA

.....RESPONDENT

CORAM:-HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Sakal Sikri, Advocate for the petitioner(s).

Mr. Vipul Sherwal, AAG Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in the present petition under Section 482 BNSS is for the grant of anticipatory bail to the petitioner in case bearing FIR No.125 dated 27.03.2025 (Annexure P-1) initially registered under Section 12 of Passports Act, 1967, 318(4), 336(3), 338, 340, 61 of BNS and Sections 7 and 13 of the Prevention of Corruption Act (added subsequently) at Police Station Pundri, District Kaithal.

2. The present FIR came to be registered at the instance of ASI Satbir Singh and reads as under:-

“First Information Contents: At this moment one letter number 53-5A, dtd. 27.03.2025 written by ASI Satbir Singh, 1540/SPT Special Task Force, Unit Sonipat, Mob. No. 9671549124 was received in hand from Constable Mohit No. 341/RTK whose gist is as follows: To The Station House Officer, Police Station- Pundri, District-Kaithal. Sir it is submitted that I am posted as Investigating Officer in the Special Task Force Unit of Sonipat Haryana. It was revealed/learnt from secret sources that, Vikas, S/o- Subhash, R/o- Village-Karora, District-

**CRM-M-26868-2026**

2

Kaithal whose date of birth is 14/06/2000 has formerly been a person of criminal antecedent. The source divulged that he, by concealing his actual address has got issued Passport No. Y4627980 on 16.07.2024 by furnishing a forged address and parents details i.e. Vikas, son of Ram Narayan, mother's name Savitri Devi, resident of House Number C-200 Block C-II, New Ashok Nagar, Delhi, Pin Code- 110096. This young man is trying to flee abroad. It is requested to you to take appropriate legal action against him after registering case under appropriate act/section and after impounding his Passport, the same may be checked. The photo copy of the Passport is attached herewith. SD SATBIR SINGH ASI 1540/SPT (SPECIAL TASK FORCE)."

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case only on the basis of disclosure statement of a co-accused namely Bijendra Kumar Jain. There is no evidence that the petitioner was ever paid any illegal gratification. The petitioner neither forged nor fabricated any document and has only acted in the discharge of his official duties. A similar case arising out of FIR No.359 dated 14.12.2024 under Sections 318(4), 336(3), 338, 340, 238 and 61(2) of BNS, 2023 and Section 12(1) (b) of Passport Act, 1967 (Sections 238 and 61(2) were added later on) at Police Station Baroda, Gohana, District Sonipat, has been registered against him, in which he has been granted the concession of regular bail. As the petitioner is ready and willing to join investigation, he be granted to the concession of anticipatory bail.

4. On the other hand, the learned State counsel has filed an affidavit dated 19.05.2026, which is taken on record. While referring to the said reply, he contends that during the course of the investigation,

**CRM-M-26868-2026**

3

co-accused Bijendra Kumar Jain was arrested in another case bearing FIR No.126 dated 27.03.2025 under Sections 318(4), 338, 336(3), 340(2), 61 of the BNS and Section 12 of the Passports Act, registered at Police Station, Sundri, and confessed regarding his involvement in the present case stating that he had procured a passport at a forged address for Vikas son of Subhash in connivance with his co-accused namely Vikrant, Sunny Kumar, Nihal Singh (petitioner) and Sub Inspector Samarjeet Singh. Bijendra Kumar Jain was arrested in the present case and disclosed the manner in which he procured passports on fake names and addresses for Rs.1,00,000/- each, stating that he had paid the petitioner, an employee of the Passport Office, an amount of Rs.15,000/- per fake passport for processing, whereas one SI Samarjeet Singh was paid Rs.40,000/ per case for facilitating police verification. He contends that there are Call Detail Records of Bijendra Kumar Jain, Nihal Singh and Samarjeet Singh even on the date when the petitioner verified the passport of accused Vikas. As the petitioner abused his official position to obtain illegal gratification, the offence is *prima facie* established and therefore, he is not entitled to the concession of anticipatory bail.

5. I have heard learned counsels for the parties.

6. The Hon'ble Supreme Court in the case of '***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr. 2022(4) RCR (Criminal) 977***', has held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the *prima facie* case against the accused. The relevant extract of the judgment is



reproduced hereinbelow:-

“It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.

Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.

We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application



should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

7. Coming back to the facts of the present case, it would be pertinent to mention here that as per the allegations levelled, the petitioner, who is an employee of the Passport Office, was paid Rs.15,000/- per fake passport for processing by his co-accused/Bijendra Kumar Jain. He is an accused in another case bearing FIR No.359 dated 14.12.2024 under Sections 318(4), 336(3), 338, 340, 238 and 61(2) of BNS, 2023 and Section 12(1) (b) of Passport Act, 1967 (Sections 238 and 61(2) were added later on) at Police Station Baroda, Gohana, District Sonipat with similar allegations. Therefore, the offence is *prima facie* established.

8. The relevant extract of the status report dated 19.05.2026 enumerating the role played by the petitioner, is as under:-

15. That during the investigation, Call Detail Records of accused Bijender Kumar Jain, Sunny Kumar, Nihal Singh, and Simarjeet Singh were obtained. On analysis of the CDRs and other material collected during investigation, it transpired that accused Nihal Singh had facilitated the procurement of a passport for accused Vikas on a fake name and address, and had received monetary consideration for the same. On the date when accused Vikas applied for the passport and on the date when accused Nihal Singh verified the said passport at the Passport Seva Kendra, Faridabad, he had telephonic



conversations with co-accused Bijender Kumar Jain on seven occasions, thus corroborating their connivance.

16. That as per official record, the petitioner/accused has been found involved in another case of similar nature bearing FIR No. 359 dated 14.12.2024 under Sections 318(4), 336(3), 338, 340(2), 238(b), 61 BNS, Section 12 of the Passport Act & Sections 7 & 13 of the Prevention of Corruption Act, 1988 registered at P.S. Baroda, district Sonipat. He has been arrested in the said case on 25-03-2025 and is presently on regular bail vide order dated 08-04-2025.

18. That the allegations against the petitioner/accused are serious in nature. Nihal Singh (petitioner), being an employee of the Passport Office, Faridabad, abused his official position to obtain illegal gratification for facilitating the preparation of passports on the basis of fake verifications and addresses for various persons, including co-accused Vikas. By doing so, he enabled persons with criminal antecedents to obtain travel documents and flee from the country, thereby posing a potential threat to national security and public order. The custodial interrogation of the petitioner/accused is required to reveal the whole racket, identify other beneficiaries involved, recovery of illegal gratification and the mobile/SIM used in the commission of crime. In such circumstances, if bail is granted at this stage, it would adversely affect the investigation of the case. Hence, considering the seriousness and gravity of offence, the petitioner does not deserve the concession of extraordinary relief of anticipatory bail at this stage, thus the present petition deserves to be dismissed.”

9. Keeping in view the aforementioned facts and circumstances, as a *prima facie* case is made out against the petitioner and the investigation is to be taken to its logical conclusion, his custodial interrogation is certainly required.



10. In view of the above, I find no merit in the present petition and the same stands dismissed.

11. However, it is made clear that the observations made in this order are only for the purpose of deciding this bail application and the Trial Court is free to adjudicate upon the matter on the basis of the evidence led before it uninfluenced by any such observations made.

12. The pending application(s), if any, shall stand disposed of accordingly.

26.05.2026

Kusum

(JASJIT SINGH BEDI)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>