

**In the court of Sardar Harjeet Singh, Additional Sessions Judge,
Moga. (UID No.PB0131)**

BA No.379 dated 08.09.2023
CIS No.BA/2002/2023
CNR No.PBMO01005385-2023
Date of Order:- 19.09.2023

State of Punjab

Versus

Tarlochan Singh son of Bhupinder Singh son of Pritam Singh resident of Canada, at present resident of village Buttar, Tehsil and District Moga.

....Accused/Applicant

FIR No.4 dated 08.01.2009,
U/ss 419, 420, 465, 468, 218, 174, 201, 120-B IPC and
U/s 12 of Passport Act, 1967,
P.S. Badhni Kalan.

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2nd Bail Application under Section 439 Cr.PC.

Present: Sh. Vineet Mittal Advocate for applicant/accused
Sh. Amrit Mittal Addl.PP for the State

ORDER

Vide this order, I intend to dispose of 2nd bail application under Section 439 Cr.P.C filed by applicant-accused in the FIR mentioned above.

Main file was summoned and received.

Learned counsel for accused/applicant has argued that earlier bail application of the accused/applicant was not decided on merits. The accused/applicant has been falsely implicated in the case in hand. No evidence is found against the accused/applicant in issuance of the passport to Kulwinder Kaur. In fact, the accused/applicant filed a suit for recovery against Gurpal Singh (father of Kulwinder Kaur) and said suit was decreed in the year 2009 and due to this reason, Gurpal Singh disclosed the name of accused/applicant

in issuing the passport of his daughter Kulwinder Kaur. There is no requirement of passing of 10+2 for getting the passport as alleged by the complainant in the FIR. Accused/applicant is found innocent in the inquiry proceedings conducted by DSP, Moga. The accused/applicant was declared as proclaimed offender and he has challenged the said order before the Hon'ble High Court and Hon'ble High Court has directed the accused/applicant to surrender before the concerned court within 10 days from the date of order. The accused/applicant is in judicial custody since 25.08.2023. The completion of trial will take a long time and no useful purpose would be served by keeping the accused/applicant behind the bar for an indefinite period. Lastly, he prayed that applicant-accused be released on bail.

On the other hand, learned Addl.PP for State has argued that serious allegations have been levelled against the accused/applicant. It is not a fit case where concession of bail can be granted to the accused/applicant. Lastly, he prayed that bail application be dismissed.

I have considered the submissions of learned Counsel for the applicant/accused and learned Addl. PP for the State.

The present FIR was got registered on the application moved by RPO Office, Chandigarh, wherein it is claimed that it has come to their notice that Kulwinder Kaur Dhaliwal daughter of Gurpal Singh resident of village Rania, Tehsil Nihal Singh Wala, District Moga has obtained passport No.F-2583984 dated 14.03.2005 with her photograph but particulars documents were in the name of Lakhvir Kaur daughter of Gurpal Singh on the basis of police verification report. After that Kulwinder Kaur Dhaliwal daughter of Gurpal Singh has obtained another passport No.G-7329499 dated 19.02.2008

under Tatkal on the basis of three documents. Thereafter, enquiry was conducted and during enquiry, it was found that in the year 2004, Lakhwinder Kaur daughter of Gurpal Singh in connivance with Tarlochan Singh (partner of her father Gurpal Singh) has fraudulently obtained the education certificate of Lakhvir Kaur daughter of Gurpal Singh resident of Rania and applied for issuance of passport in the name of Lakhvir Kaur Sekhon and accordingly passport authority has issued passport No.F-2583964 dated 14.03.2003 in the name of Lakhvir Kaur on which photograph of Kulwinder Kaur was affixed. During enquiry, Kulwinder Kaur admitted that Tarlochan Singh has got prepared the aforesaid passport and Gurpal Singh also disclosed that Kulwinder Kaur has studied upto 10th class but in order to clear the IELTS test, there was requirement to pass out 10 +2 and as such, Tarlochan Singh has got prepared the passport of his daughter in the name of Lakhvir Kaur instead of Kulwinder Kaur by submitting the forged and fabricated matriculation certificate of Lakhvir Kaur.

It is contention of learned counsel for accused/applicant that accused/applicant has played no role in issuance of the passport to said Kulwinder Kaur. Moreover, the accused/applicant has filed recovery suit in the year 2009 against father of co-accused Kulwinder Kaur which was decreed on that event, his name was mentioned in the FIR. The accused/applicant is in custody since 25.08.2023. The completion of trial will take a lot of time. No useful purpose would be served by detaining the applicant-accused behind bars for an indefinite period. So, in these circumstances and without much commenting upon merits of the case, bail application is allowed and applicant-accused is ordered to be admitted on bail on furnishing his personal bonds in

the sum of ₹ 1,00,000/- with one surety in the like amount to the satisfaction of learned Illaqa Magistrate/Duty Magistrate subject to following conditions:-

- (i) that applicant shall not leave the country without prior permission of the Court;
- (ii) that he shall appear in each and every date of hearing;
- (iii) that he shall not tamper with the prosecution evidence or shall not threat any prosecution witness.

File be consigned to the Record Room.

Pronounced.
19.09.2023.
(Sunny Stenographer II)

(Harjeet Singh)
Judge, Special Court,
Moga. (**UID No.PB0131**)

Present: Sh. Vineet Mittal Advocate for applicant/accused
Sh. Amrit Mittal Addl.PP for the State

Record received. Arguments heard. Vide my separate order of even date, the present bail application stands allowed. File be consigned to the Record Room.

Pronounced.
19.09.2023.
(Sunny Stenographer II)

(Harjeet Singh)
Judge, Special Court,
Moga. (**UID No.PB0131**)