

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

**Criminal Misc. No. M-5747 of 2019
Date of decision: 13.02.2019**

Sandeep

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Ajay Bishnoi, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab
for the respondent -State.

Daya Chaudhary, J.

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No.0314 dated 30.11.2018 registered under Sections 379, 465, 467, 468, 471 IPC at Police Station Civil Lines, Patiala (Punjab) during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR and there is no evidence on record to show his involvement in commission of crime. The petitioner was arrested on 22.12.2018 and since then, he is in custody. Learned counsel further submits that period of 60 days has expired and in case, there is no progress in the trial for a period of 60 days, the petitioner is entitled for bail. Even the charges have not been framed so far.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner and his co-accused forged NOC and affidavit besides committing theft of car and at

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this stage, it cannot be said to be a false case. The co-accused are still at large. Anticipatory bail application of the co-accused has already been dismissed by the trial Court and the petitioner does not deserve concession of regular bail at this stage as even the charges have not been framed.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file.

The case was registered on the basis of statement made by complainant-Jaswinder Singh stating that Angrej Singh purchased a car bearing registration No. HR 99 UHT 8310 after availing loan from Magma Finance Company. When said Angrej Singh did not repay the loan amount, the Finance Company took over the possession of the car. Thereafter, one Kamaljit Verma purchased the said car from the Finance Company on 24.09.2018, who further sold the same to the complainant on 24.09.2018 and executed an affidavit in this regard. It has further been stated that on 29.11.2018, he along with his brother Jaskaran Singh and his son Ranvir Singh went to a hospital and thereafter, to a shop by parking the car near the shop. When they came back, the car was found to be stolen. As per allegations levelled in the FIR, two clean shaven slim persons, who were roaming near the car were doubted to be involved in stealing the car. On 01.12.2018, complainant made supplementary statement before the Police that from the CCTV footage, he came to know that his car was stolen by Satvir Singh and his other companions including the petitioner. Three persons were nominated as accused including the present petitioner. During investigation, statement of Kamaljit Verma was also recorded, who stated

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that accused Samir Sangwan fraudulently transferred RC of the car in the name of Satvir Singh. Thereafter, statement of Ramesh Kumar, Sales Manager, Magma Finance Company was also recorded, who stated that their branch has not recovered the car. Accused Satvir Singh in connivance with Samir Sangwan and Sandeep Kumar (the present petitioner) forged NOC and affidavit. Offences under Sections 465, 467, 468, 471 IPC were added on 18.12.2018 and the petitioner was arrested on 22.12.2018.

Keeping in view the serious allegations levelled against the petitioner; stage of trial as charges have not been framed so far and the custody period since 22.12.2018, no ground is made out to release the petitioner on regular bail and the present petition being devoid of any merit is hereby, dismissed.

13.02.2019
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No