

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH.

226

CRM-M-16226-2022  
Date of decision: 24.05.2022

ANTHONY .....Petitioner

Versus

STATE OF PUNJAB .....Respondent

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR**

Present : Mr. Prateek Pandit, Advocate  
for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

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**SURESHWAR THAKUR, J. (ORAL)**

1. The instant petition has been filed under Section 439 of Cr.P.C., wherein, the petitioner craves for indulgence of regular bail becoming granted to him, in respect of FIR No. 28 dated 15.02.2022 registered at Police Station City Gurdaspur, District Gurdaspur, wherein, offences constituted under Sections 420, 467, 468, 471, 120-B of the IPC, are embodied.

2. In the petition FIR, it becomes narrated that the petitioner in connivance with his brother, one Victor Masih, besides alongwith some unnamed persons, furnishing false, and, fictitious personal, and, surety bonds, for thereafters theirs, enabling theirs acceptance(s), and, attestation(s) by the learned Magistrate concerned.

3. Moreover, it is also alleged that the above acceptances,

and, attestation(s) of the forged personal, and, surety bonds, by the learned court concerned, also resulted in tainted release orders being made.

4. Be that as it may, the recovery of a jamabandi was purportedly made from the right pocket of the pant of Anthony (petitioner), and, also, one jamabandi of the year 2016-17 of village Bal Kalan, was recovered from the left side pocket of pant worn by co-accused Victor Masih.

5. Since, the above recoveries have been made from by the investigating officers concerned, at the crime site, and, from the respective pockets of both the petitioner, and, co-accused, thereupon, this court does not deem it fit to further prolong the judicial custody of the present bail petitioner, as it has commenced since 15.02.2022, and, any prolongation thereof would result in the curtailment of the personal liberty of the present bail petitioner.

6. However, the learned State Counsel vehemently opposes the grant of bail, as he submits that in pursuance to the purported false documents, the learned courts below have been led to attest, and, accept them, and, also, thereafter have been beguiled to issue false release orders.

7. If so, there is no credible evidence in respect thereof, and, if any subsequent emergencies qua thereof, make their appearances, thereupon, it is open to the learned Court concerned, to draw appropriate proceedings, in accordance with law, against the present bail petitioner, and, against the co-accused Victor Masih.

8. Therefore, at this stage, it cannot be firmly concluded, that except for the present bail petitioner attempting to commit the alleged offences, through his thereafter tendering before the learned trial Magistrate concerned, rather the false documents concerned, and, for thereafters his also ensuring their acceptances, and, attestations by the learned Magistrate concerned, and, nor, obviously, the above attempted offences can become concluded to completely consummated.

9. Since, at this stage, no evidence has been adduced by the prosecution, suggestive that in the event of the bail petitioner being admitted to regular bail, there is every likelihood of his fleeing from justice or tampering with prosecution evidence, or influencing prosecution witnesses, besides when the present bail petitioner stepped into the judicial custody, on 15.02.2022, therefore, his judicial incarceration is not required to be any further prolonged, as thereupon, his personal liberty would become unnecessarily fettered, and, curtailed.

10. Therefore, the instant petition is allowed, and, the petitioner bail applicant is ordered to be released from judicial custody. However, the granting of bail to the bail applicant-petitioner, is subject to his furnishing personal, and, surety bonds in the sum of Rs.1,00,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to his not tampering with prosecution evidence, and, also his not influencing prosecution witnesses, and, besides his appearing before the trial Court concerned, as and when directed to make his personal appearance

unless validly exempted.

11. It is clarified that the above made observations are strictly made only for disposal of the present bail petition, and, shall not influence in any manner, the learned trial Judge concerned as and when he/she deals with the trial of the FIR (Supra).

24.05.2022  
kavneet singh

(SURESHWAR THAKUR)  
JUDGE

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