

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(271)

CRM-M-44230-2022 (O&M)

Date of decision: - 10.10.2022

Anoop Kumar Sharma

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Munish Puri, Advocate, for the petitioner.

Mr. Iqbal Singh Mann, DAG, Punjab.

VIKAS BAHL, J. (ORAL)

CRM-38113-2022

Present application has been filed under Section 482 Cr.P.C.
for placing on record the documents as Annexures P-5 and P-6.

Application is allowed, as prayed for. The documents
(Annexures P-5 & P-6) are taken on record, subject to all just exceptions.

CRM-M-44230-2022

Prayer in the present petition is for grant of regular bail to the
petitioner in FIR No.111 dated 08.07.2022 registered under Sections
420/417/418/467/468/471 of the Indian Penal Code, 1860 at Police
Station Division No.2, District Pathankot.

Learned counsel for the petitioner has submitted that the
petitioner is in custody since 15.07.2022 and the investigation is complete

and the challan has not been presented as yet and thus, the conclusion of the trial is likely to take time. It is further submitted that the petitioner is not involved in any other case. It is contended that the present case is triable by Magistrate and the same is based on documentary evidence and thus, no purpose would be served in keeping the petitioner in further incarceration. It is further contended that even as per the case of the prosecution neither any loss has been caused to any person nor the accused persons, including the petitioner, have been able to open any account as they were apprehended at the stage of initial verification of the documents. It is stated that co-accused of the petitioner, namely, Munish Kumar, who is on similar footing as that of the present petitioner, has already been granted the concession of regular bail by this Court, vide order dated 15.09.2022, passed in CRM-M-41527-2022.

On the other hand, learned State Counsel has opposed the present petition for grant of concession of regular bail to the petitioner and has submitted that the accused persons while opening the accounts, had supplied documents which carried the photograph of a known gangster and thus, complaint was filed by the Manager, on the basis of which, the present FIR has been registered. The other facts, however, have not been disputed by the learned counsel for the State.

This Court has heard the learned counsel for the parties and has perused the paper book.

The petitioner is in custody since 15.07.2022 and the investigation is complete and the challan has not been presented as yet and thus, the conclusion of the trial is likely to take time. The petitioner is

stated to be not involved in any other case. The present case is triable by Magistrate and the entire case is based on documentary evidence. No monetary loss has been caused to any person in the present case. Moreover, the case of the present petitioner is on similar footing as that of said co-accused Munish Kumar, who has already been granted the concession of regular bail by this Court, vide order dated 15.09.2022, passed in CRM-M-41527-2022.

Keeping in view the abovesaid facts and circumstances, the present petition for grant of regular bail to the petitioner is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

October 10, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No