

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.213

Case No. : CRM-M-32083-2023

Date of Decision : August 01, 2023

Anzar Ali Petitioner
vs.
State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

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Present : Mr. Gaurav Partap S. Pathania, Advocate
for the petitioner.

Mr. Yadwinder Singh Bhangu, AAG, Punjab.

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GURBIR SINGH, J. :

1. Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.127 dated 21.12.2019, under Sections 420, 467, 468, 471 IPC, 1860, registered at Police Station Division No.1, District Pathankot.

2. As per the allegations, earlier FIR No.28 dated 20.11.2018 was registered against one Sadiq Hussain, whereby his vehicle bearing registration No.JK-02-U-8083 was taken into possession by the police. On the application moved by the prosecution under Section 311 Cr.P.C. for additional evidence, Rafaqat Ali was ordered to be examined. During evidence, it was found that at the time of release of aforesaid vehicle on *sapurdari* in the said case, the Power of Attorney filed by the applicant Anzar Ali did not appear to be genuine. The orders of *sapurdari* were

cancelled as no release warrant was issued and the vehicle was still lying in the Police Station. It was found that the applicant moved the *sapurdari* application on the basis of false and forged Power of Attorney. Therefore, the concerned Court got the FIR registered.

3. Learned counsel for the petitioner has submitted that the petitioner is in custody since 27.03.2023. It is further submitted that the documents produced before the Court were genuine. The said documents were supplied by the broker. The sale of vehicle is not denied by the previous owner. The challan is already presented. Only one witness is examined yet. Completion of trial will take a long time. So, the petitioner be released on bail.

4. Status Report on behalf of respondent-State along with Custody Certificate has been placed on record. Learned State counsel, while referring to the Status Report, has opposed the bail petition. He has submitted that the petitioner has tried to cheat the Court by producing forged documents. It is fairly admitted that only one witness has yet been examined. It is further prayed that the petitioner does not deserve concession of bail.

5. Heard.

6. The allegations against the petitioner are that he produced forged documents for getting the vehicle released on *sapurdari*. The said vehicle is still lying in the police custody. As per the Custody Certificate, petitioner is in custody in this case for the last 04 months and 05 days. The challan in this case has already been presented. It is question of evidence whether forgery, if any, has been committed by the petitioner or not.

Culpability of the petitioner shall be decided during trial of the case.

7. In view of the aforesaid facts and circumstances of the case, since completion of trial will take a long time, no useful purpose would be served by keeping the petitioner behind bars for a long time.

8. Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate concerned. The petitioner shall also abide by the following conditions :-

1. The petitioner shall surrender his passport and shall not leave the country without the prior permission of the Trial Court.

2. The petitioner shall give his mobile number to the Trial Court and get the same registered, on which SMS shall be received from the CIS and shall not change his mobile number during pendency of the case.

3. The petitioner shall not change his residence without prior intimation to the concerned Police Station and the Trial Court.

4. The petitioner shall appear before the Trial Court on each and every date of hearing.

9. The Trial Court is at liberty to impose any other condition that it may deem appropriate. It is further clarified that in case of default of any of

the conditions, the concerned Court is competent to cancel the bail granted to the petitioner.

10. Nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

11. Pending applications, if any, shall stand disposed of along with the present petition.

August 01, 2023
monika

(GURBIR SINGH)
JUDGE

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