

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

CRM-M-60778-2023

Date of Decision: 08.12.2023

Gurwinder Singh

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Mandeep Singh Sachdev, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.184 dated 11.09.2023 registered under Sections 420, 467, 468, 471, 34 of IPC, at Police Station Sadar Ludhiana, District Police Commissionerate Ludhiana.

2. The FIR in the present case was registered on the basis of the statement made by Atul Kumar Nayyar. As per him, the accused had sold Innova vehicle to him and an amount of Rs. 14,27,000/- was taken. As per the complainant, he approached the authorities for obtaining the High Security Number Plate and then he came to know that Chasis Number and the Engine Number were different on the documents and a fake number plate was affixed on the vehicle. It was also found that RC and other documents were not tallying with the Engine and Chasis Number of the vehicle. In fact, the vehicle was sold on the basis of the forged and fabricated documents. With these main

allegations, the FIR was ordered to be registered against the petitioner and his co-accused Rohit Katyal.

3. Learned counsel for the petitioner contends that the petitioner was arrested in the present case on 12.09.2023 and is in custody since then. Learned counsel further contends that the petitioner was only an agent and was not the seller of the vehicle in question nor received the sale consideration in his account. As per learned counsel, Sunny Kashyap had sold the vehicle to Rohit Katyal, who had further sold the vehicle to the complainant. He further contends that the petitioner has no role to play in the entire transaction except the fact that he was only signatory to the agreement, whereby the vehicle was sold and had signed merely as a witness on the said agreement. Learned counsel further contends that all the offences in the present are triable by the Court of Magistrate and his further custody will not serve any meaningful purpose.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner. However, it is admitted that there is no other case against the present petitioner.

5. I have heard the learned counsel for the parties and perused the record.

6. The petitioner is in custody since 12.09.2023. Even the co-accused Rohit Katyal has been granted the concession of anticipatory bail by this Court vide order dated 06.12.2023 in CRM-M-60041-2023. Thus, further custody of the petitioner will not serve any meaningful purpose.

7. Without commenting on the merits of the case, the present petition

is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

08.12.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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