

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

238 (PROCEEDINGS THROUGH HYBRID MODE)

2024:PHHC:044874

CRM-M-15099-2024

Date of decision: April 3rd, 2024

Sandeep Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gulzar Mohammed, Advocate
for the petitioner (through V.C.).

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.67 dated 04.12.2023 under Sections 420, 465, 467, 468, 471, 120-B of the IPC registered at Police Station Handesra, S.A.S. Nagar.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner has been falsely implicated in the case in hand for being part of a gang, which was selling luxury cars after forging their Registration Certificates. Learned counsel submits that the petitioner has clean antecedents, which further lends credence to his innocence. It has also been submitted that since investigation is complete and challan stands presented, his further incarceration would serve no useful purpose as the entire case of the prosecution rests on documentary evidence.

3. On a pointed query put to learned counsel for the petitioner as to whether the petitioner is involved in any other criminal case, he has replied in the negative.

4. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has reiterated the allegations levelled against the petitioner that he was a member of a gang, which had been selling luxury cars by forging their Registration Certificates at throwaway prices in the State of Punjab. Learned State counsel has, however, not disputed that the investigation is complete and challan stands presented. He has, on instructions from ASI Jiwan Singh, informed the Court that as many as 16 witnesses have been cited by the prosecution.

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

6. The petitioner has been in custody since 13.12.2023 in a magisterial trial. The trial is unlikely to conclude in the near future as charges have not yet been framed, though challan presented, coupled with the fact that as many as 16 witnesses have been cited by the prosecution. As not disputed by the learned State counsel, the petitioner has clean antecedents and is not involved in any other criminal case much less a case of similar nature.

7. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

April 3rd, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No