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

**CRM-M No.64891 of 2025
Date of Decision: 11.03.2026**

Mohammad Rasool Barak

..... Petitioner

Versus

Union Territory, Chandigarh

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Satish Kumar, Advocate
for the petitioner.

Mr. Vipin Pal Yadav, APP, UT, Chadigarh.

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.59, dated 14.07.2025, under Section 14 of Foreigner Act and Section 318 of BNS, registered at Police Station Mauli Jagran, District Chandigarh.

2. Succinctly, the facts of the case are that FIR in the present case was got registered on the complaint/letter received in the Police station from the Incharge. FRRO, Amritsar. It was alleged that as per the information received from FRRO, Amritsar, during the inquiry, it was found that Mr. Mohammad Rasool Barak, i.e. the petitioner, who was the resident of Kandhar, Afghanistan came to India in the year 2015 on student visa. His visa was valid upto the year 2016, which was extended for a further period of 02 years. In the year 2018, the petitioner passed graduation from Panjab



University, however, he continues to live in India as a refugee, though his visa had already expired. The petitioner was working as a taxi driver and on being asked, he told that he do not want to return to his native country, Afghanistan. During the inquiry, it was found that he had shown himself as an Indian in his application form for learner's licence of Registration & Licencing Authority, UT, Chandigarh and he had also procured other Indian identity documents like Aadhar card, Pan card, driving licence, showing himself to be an Indian. Thus, the request was made to take legal action against the accused. On registration of the FIR, the investigation commenced. Resultantly, the petitioner was arrested on 19.07.2025. On completion of the investigation, the challan has been presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Additional Sessions Judge, Chandigarh praying for the grant of regular bail. However, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Chandigarh dismissed the bail application filed by the petitioner vide order dated 10/11.09.2025. Hence being aggrieved, the petitioner is before this Court praying for grant of regular bail by way of filing the present petition.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He has submitted that the petitioner is the citizen of Afghanistan, who came to India on student visa. He has submitted that the petitioner has been arrested on the allegation that he has overstayed in India. He has submitted that the allegations are regarding the creation of the fake Aadhar Card and Pan Card. He has submitted that the petitioner has no criminal antecedents as he has



never been involved in any other case. He has submitted that the petitioner is behind bars from last more than 07 months. He has submitted that the investigation is already complete, the challan has been presented and the charges have already been framed. He has submitted that the petitioner has already applied for granting him the refugee status in India, which is pending approval. He has thus submitted that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner has not only overstayed in India but also procured the Aadhar card, Pan Card, which were found to be forged. He, on instructions, has submitted that out of total 11 prosecution witnesses, only 02 witnesses have been examined. He has produced custody certificate of the petitioner today in the Court, which is taken on record.

5. Heard.

6. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner admittedly came in India on student visa in the year 2015. As contended before this Court by learned counsel for the petitioner, the allegations are regarding the creation of forged documents like Aadhar Card, Pan card and that he has overstayed in India. Custody certificate produced would show that the petitioner has suffered an incarceration of 07 months and 20 days as on 10.03.2026. It further reflects that the petitioner is not involved in any other case. Out of total 11 prosecution witnesses, 02 witnesses have been examined so far.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both



the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

8. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

9. Nothing said herein shall be treated as an expression of opinion on the merits of the cases.

11.03.2026

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(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No