

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

**Criminal Misc. No. M-36260 of 2016
Date of Decision:-21.10.2016**

Christian Edike

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Siddharth Gupta, Advocate
for the petitioner.

Mr. Sultan Singh Gill, Deputy A.G., Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner during pending trial in case FIR No.107 dated 5.5.2016, under Sections 489-B and 489-C IPC, registered at Police Station Kotwali Bathinda, District Bathinda.

Learned counsel for the petitioner states that the allegation against the petitioner is of recovery of 140 counterfeit American dollars in the denomination of 100/100 each and veracity of alleged recovery shall be determined only on receipt of FSL Report, which is still awaited. He further states that so far as offence under Section 489-C IPC is concerned, the same is bailable. The petitioner is in custody since 8.5.2016 and there is no other case against him except the present one, therefore, he be released

on bail. He relies upon the order passed by this Court on CRM-M-33477 of 2016 titled 'Mark Fyaz @ Fyaz Ahemd vs. State of Punjab' decided on 29.9.2016 wherein on the similar set of circumstances the co-accused was released on regular bail by this Court.

Learned State counsel on instructions from HC Sohan Singh does not dispute the fact that the FSL Report is still awaited and co-accused of the petitioner namely Mark Fyaz @ Fyaz Ahemd has been admitted on bail by this Court.

I have heard learned counsel for the parties.

Taking into consideration the fact that the FSL report is yet to be received and the petitioner is in custody since 8.7.2015 coupled with the fact that there is no other case against him except the present one. The trial in the case will take long time to conclude.

Accordingly, the petition is **accepted**. The petitioner is admitted on regular bail on furnishing of his bail bonds and surety bonds subject to satisfaction of the learned trial Court.

It is made clear that the observations made hereinabove shall not be construed as reflection of any opinion on the merits of the case and the trial Court shall decide the case on the basis of available evidence.

October 21, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No