

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23193-2019

Date of decision: 18.07.2019

Baldev Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Gaurav Gupta, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.63 dated 19.03.2019 under Sections 420, 188 IPC and Sections 25/54/59 of Arms Act, registered at Police Station City Rajpura, District Patiala.

Learned counsel for the petitioner submits that similarly situated co-accused of the petitioner, namely Mohammad Mushetkin has already been granted the concession of regular bail vide order dated 02.05.2019 passed in CRM-M-19050-2019. The operative part of the order reads as under: -

“.....Counsel for the petitioner has submitted that as per the allegations in the FIR, registered on an information that one Kanwarjeet Singh, Mohammad Mushetkin (the present petitioner) and Baldev Kumar, are working in exchange of old currency notes of Rs.500/Rs.1000/-, stopped at the time of demonetization in the year 2016 and Kanwarjeet Singh is also having an illegal weapon. It is further submitted that the police on receiving such

information, registered an FIR under Section 420 IPC and 25/54/59 of the Arms Act read with the provisions of The Specified Bank Act, 2017. Thereafter, the police laid a naka and stopped the car bearing registration No.HR 01-AA-8146, in which 03 persons (including the petitioner) were traveling and they were apprehended and on search of the said car, the banned currency notes of Rs.1000/- of a value of Rs.85 lacs and Rs.500/- for a value of Rs.15 lacs were recovered from the seat, on which the petitioner was sitting and the currency notes in the denomination of Rs.2000/- total of Rs.1.54 lac was recovered from the dashboard of the car and a country-made pistol along with 13 live cartridges was also recovered from Kanwarjeet Singh.

Counsel for the petitioner has further submitted that though the denomination of Rs.500/- and Rs.1000/- which were in circulation, was stopped on 08.11.2016, after the demonetization order passed by the Government of India and The Specified Bank Notes (Cessation of Liabilities) Act, 2017 was incorporated. Counsel for the petitioner has referred to the Act wherein as per Section 2(1)(e) “specified bank notes” means a bank note of the denominational value of Rs.500/- or Rs.1000/- of the series existing on or before 08.11.2016.

Counsel for the petitioner has further argued that as per Sections 4 and 5 of this Act, there is a prohibition for holding, transferring or receiving any specified bank notes knowingly or voluntarily, after expiry of grace period. It is also submitted that as per Sections 6 and 7 of the Act, the penalties are provided for contravening the Sections 4 and 5 of the Act and the same is only in the shape of fine and therefore, it will be debatable issue to be decided during the course of trial whether Sections 420/188 IPC is made out in the present case or not.

Counsel for the petitioner has also submitted that the petitioner is the first offender and he is in custody since 19.03.2019 and the recovery of weapon is effected from his co-accused – Kanwarjeet Singh....”

Learned counsel for the petitioner further submits that the petitioner is first offender and is in custody since 23.03.2019; challan stands presented; charges have been framed and it will take some time in conclusion of the trial.

Learned State counsel, on instructions from ASI Mohd. Naseem, has not disputed the factual position.

Without commenting anything further on merits of the case, considering the fact that the petitioner is first offender; his co-accused Mohammad Mushetkin has already been released on regular; charges have been framed and it will take some time in conclusion of the trial, this petition is allowed and the petitioner is directed to be released on interim bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

18.07.2019
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No