

Avtar Singh alias Tara

...Petitioner

 $V_S.$

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Harminder Singh, Advocate, for the petitioner.

ALKA SARIN, J. (ORAL)

Heard through Video Conferencing.

This is the petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.61 dated 24.11.2019 under Sections 420, 489(B), 489(C), 489(D) read Section 34 of the Indian Penal Code, 1860 (for short, 'IPC') registered at Police Station Fatehgarh, Panjtoor, District Moga.

Learned counsel for the petitioner has contended that the petitioner has not been named in the FIR nor any role has been attributed to him. However, he was nominated in the disclosure statement of one of the co-accused who has stated that the petitioner had given him counterfeit notes. Learned counsel for the petitioner would further contend that the main co-accused in the case have been granted bail by the Court of Additional Sessions Judge, Moga.

Notice of motion.

On the asking of the Court, Mr. Ramandeep Sandhu, Sr. DAG, Punjab has put in appearance through video conferencing and accepts notice. He is not in a position to deny that the petitioner was not named in

the FIR and further that the co-accused named in the FIR have been granted bail by the Additional Sessions Judge, Moga. On instructions from ASI Kulwant Singh, learned State counsel has further pointed out that the challan has been filed in the present case on 18.02.2020.

In the present case, the petitioner was not named in the FIR and was nominated only in the disclosure statement of the co-accused and both the co-accused have since been granted bail by the Court of Sessions Judge.

In view of the above, without expressing any opinion on the merits of the case, and in view of the current situation created because of the COVID-19 pandemic no useful purpose would be served by keeping the petitioner in custody, the petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that nothing observed herein shall be construed as an expression of opinion on the merits of the case. It would, however, be open for the prosecution to apply for cancellation of bail in case the petitioner is found misusing the concession of bail.

The present petition stands disposed off accordingly.

August 27, 2020
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(ALKA SARIN)
JUDGE

Whether speaking/reasonable: Yes/No.
Whether reportable : Yes/No.