

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No.224 (2)

CRM-M-1586-2022

Date of decision : 03.03.2022

Innas Khan

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Sarfraj Hussain, Advocate, for the petitioner.

 Mr.Saurav Khurana, DAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.163 dated 08.10.2021 registered under Sections 420, 419, 467 and 468 IPC at Police Station Doraha, District Ludhiana.

The police received secret information that the petitioner and his co-accused-Rakesh Kumar and Mujahid Khan were duping innocent persons by showing them fake gold coins as real ones. Acting on such information the police set up a barricade and stopped the car in which the petitioner and his co-accused were expected to be travelling. On being questioned the petitioner and his co-accused disclosed their respective names and the search of their car resulted in the recovery of 128 gold coins which on being tested were found to be fake. On such basis the FIR in question was lodged and the petitioner and his co-accused were arrested. A day after the arrest of the petitioner and his co-accused one Rishi Kumar got recorded his statement that the petitioner and his co-accused had deceived him by giving him two fake gold coins.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; at the time of lodging of the FIR in question the only evidence against the petitioner was unverified and uncorroborated secret information as also some coins; on the afore set of facts, at the time of lodging of the FIR as also the petitioner's arrest, no case under Sections 420, 419, 467 and 468

IPC was made out against him; therefore, the petitioner's arrest was per-se illegal; the alleged statement of one Rishi Kumar recorded on the next day of the arrest of the petitioner and his co-accused is how the prosecution has padded its case; the petitioner is in custody since 08.10.2021; he has no other criminal case pending against him; investigation in this case is complete; no further recovery is required to be made from the petitioner and that the petitioner's trial, which is yet to begin, will take a long time to conclude.

Learned State counsel opposes grant of bail to the petitioner on the ground that the petitioner was duping persons by projecting fake gold coins as real and if released on bail he may indulge in similar offences.

The submissions raised on behalf of the petitioner that he having not committed any offence at the time of lodging of the FIR as also his illegal arrest would be considered by the Trial Court at the appropriate time. However, the petitioner is in custody since 08.10.2021; he has no other criminal case pending against him; no further recovery is required to be made from him; investigation in this case is complete and that the petitioner's trial, which is yet to commence, would take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, the petitioner is directed to be released on bail on his furnishing personal bond with heavy local sureties, to the satisfaction of the CJM/Duty Magistrate, Ludhiana.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

03.03.2022

shamsher

[DEEPAK SIBAL]

JUDGE

Whether speaking/reasoned

:

Yes / No

Whether reportable

:

Yes / No