

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

205

CRM-M-52742-2021 (O&M)

Date of Decision: 09.12.2022

Punit Kumar @ Pannu Mahajan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Ms. Manjit Kaur Saini, Advocate,
for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by ASI Tarsem Kumar.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.99 dated 16.09.2002 at Police Station D-Division Amritsar, Amritsar, under Sections 238/240/243/489-C IPC.
2. As per the case of prosecution, a secret information was received by the police on 16.09.2002 to the effect that one Vipin Arora @ Bittu, resident of Delhi, brings counterfeit currency & coins from Nepal and Delhi and thereafter supplies the same at Amritsar. Pursuant to receipt of said information, the police was able to nab aforesaid Vipin Arora on the same very day and who was found to be carrying 340 counterfeit coins of Rs.5 each. It is further the case of prosecution that during the course of interrogation, said Vipin Arora disclosed the name of the petitioner and stated that he (Vipin Arora) was into the said business alongwith the

- petitioner. The petitioner was thereafter apprehended by the police on 17.09.2002, but subsequently after presentation of challan, the petitioner as well as co-accused Vipin Arora absented. The petitioner was thereafter declared proclaimed offender on 08.11.2006 and could not be arrested for a period of 15 years and it was ultimately on 24.05.2021 that the police arrested him again from Delhi. However, co-accused Vipin Arora is stated to have expired on 05.09.2011.
3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and came to be nominated on the basis of a disclosure statement of co-accused Vipin Arora, which would hardly carry any evidentiary value. It has further been submitted that since no recovery whatsoever was ever effected from the petitioner, when he came to be arrested by the police, the case of the prosecution ultimately is not going to be established and as such, the petitioner deserves the concession of bail.
 4. Opposing the petition, learned State counsel has submitted that having regard to the conduct of the petitioner, who had been declared a proclaimed offender and kept on evading his arrest for a good 15 years, he does not deserve the concession of bail. It has been informed that the petitioner happens to be involved in 1 more case. Learned State counsel has also informed that as on date only 2 PWs out of cited 16 PWs have been examined.
 5. This Court has considered rival submissions.
 6. This Court does find that the conduct of the petitioner, who had remained a proclaimed offender and had been evading his arrest for as long as 15

years can hardly be appreciated. However, this Court cannot lose sight of the fact that instant case is a case where the petitioner has been nominated on the basis of a disclosure statement made by Vipin Arora, who has since expired and no recovery of any counterfeit currency & coin was ever effected from the petitioner. The petitioner, otherwise, has been behind bars since the last about 1 ½ years. The trial is not likely to be concluded in immediate future inasmuch as only 2 PWs out of cited 16 PWs have been examined till date. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

09.12.2022

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**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**