

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No.224

CRM-M-53194-2021

Date of decision : 03.03.2022

Rakesh Kumar and another

..... Petitioners

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

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

 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 petitioners alongwith co-accused-Innas 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 petitioners were expected to be travelling. On being questioned the petitioners 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 petitioners were arrested. A day after the petitioners' arrest one Rishi Kumar got recorded his statement that the petitioners had deceived him by giving him two fake gold coins.

Learned counsel for the petitioners contends that the petitioners have been falsely implicated in this case; at the time of lodging of the FIR in question the only evidence against the petitioners 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 petitioners' arrest, no case under Sections 420, 419, 467 and 468 IPC was made out against them; therefore, the petitioners' arrest was per-se illegal;

the alleged statement of one Rishi Kumar recorded on the next day of the

petitioners' arrest is how the prosecution has padded its case; the petitioners are in custody since 08.10.2021; they have no other criminal case pending against them; investigation in this case is complete; no further recovery is required to be made from the petitioners and that the petitioners' trial, which is yet to begin, will take a long time to conclude.

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

The submissions raised on behalf of the petitioners that they having not committed any offence at the time of lodging of the FIR as also their illegal arrest would be considered by the Trial Court at the appropriate time. However, the petitioners are in custody since 08.10.2021; they have no other criminal case pending against them; no further recovery is required to be made from them; investigation in this case is complete and that the petitioners' 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 petitioners are directed to be released on bail on their furnishing personal bonds 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