

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

**Date of decision : 08.08.2023**

**CRM-M-6961-2023**

Ajay Kumar Sharma

....Petitioner

Versus

State of Punjab

...Respondent

**CRM-M-9121-2023**

Mithun alias Mithu

....Petitioner

Versus

State of Punjab

...Respondent

**CRM-M-13433-2023**

Sanjay Kumar alias Sunny

....Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN**

Present : Mr. S.K. Choudhary, Advocate  
for the petitioner in CRM-M-6961-2023.

Mr. Aditya Pratap Singh, Advocate  
for the petitioner(s) in CRM-M Nos.9121 & 13433 of 2023.

Mr. Amit Shukla, AAG, Punjab.

**PANKAJ JAIN, J. (ORAL)**

Instant petitions have been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioners in case F.I.R. No.146 dated 16<sup>th</sup> of December, 2022 registered for the offences punishable under Sections 489-A, 489-B, 489-C, 473 of the Indian Penal Code, 1860 at Police Station Division No.1, Tehsil and District Pathankot.

2. As per the allegations levelled in the FIR, the petitioners are stated to have been found in possession of fake currency. 5 currency notes were recovered from petitioner-Sanjay Kumar @ Sunny. 6 currency notes were recovered from the possession of petitioner-Mithun @ Mithu and 9 fake notes are stated to have been recovered from the possession of petitioner-Ajay Kumar Sharma. It has been further stated that Ajay Kumar Sharma-accused suffered a disclosure statement. On the basis of such disclosure statement further recovery of 1220 fake currency notes of 200 each, amounting to Rs.2,44,000/- and 40 fake currency notes of Rs.100/- amounting to Rs.4000/- were discovered.

3. Counsels submit that the petitioners are behind bars since 16<sup>th</sup> of December, 2022 when they were apprehended. The investigation already stands concluded. There is nothing to be recovered from the petitioners and the incarceration cannot be prolonged as a punitive measure.

4. Counsel for the State however submits that there are serious allegations against the petitioners of having indulged in smuggling/ possessing fake currency notes and of printing the same. However, State Counsel does not dispute that the investigation already stands concluded and report under Section 173 Cr.P.C. stands filed. The charges have been framed. However, no witness has been examined as yet.

5. I have heard counsels for the parties and have gone through records of the cases.

6. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioners and the fact that the investigation already stands concluded and Challan stands presented, the present petitions are allowed. The petitioners are ordered to be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
7. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.
8. A copy of this order be kept on the files of other connected cases.

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|---------------------------|---|----------------------|
| <b>August 08, 2023</b>    |   | <b>(Pankaj Jain)</b> |
| <b>Dpr</b>                |   | <b>Judge</b>         |
| Whether speaking/reasoned | : | Yes/No               |
| Whether reportable        | : | Yes/No               |