

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

218

CRM-M-13006-2023 (O&M)

Date of decision: 08.05.2023

PARVESH@BACHI

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Dixit Garg, Advocate
for the petitioner

Mr. H.S. Sullar, Sr. DAG Punjab.

AMAN CHAUDHARY. J.

1. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case of FIR No.106 dated 21.07.2022, registered under Sections 489-B, 489-C, 379, 420 IPC (Sections 489-A, 411, 201 IPC added later on), at Police Station City Khanna, Police District Khanna, District Ludhiana.

2. Learned counsel contends that the petitioner is in custody for the last about 10 months. He has been falsely implicated in the case. The counterfeit currency notes allegedly recovered from him, had not been sent for examination. The co-accused from whom also the said currency notes were recovered and was apprehended at the spot, has been granted regular bail by this Court vide order dated 25.01.2023 and one Sandeep Singh also, who was arrested subsequently against whom there had been 2 cases as well as the printer and scanner were recovered was also granted regular bail by this Court vide order dated 03.05.2023. Challan has been presented on 20.09.2022. Charges have not been framed. In all there are 13 prosecution witnesses. He is involved in two more cases, wherein he is on bail. He relies on the judgment of Hon'ble The Supreme Court of India in **Maulana Mohd.**

Amir Rashadi vs. State of U.P. and others, 2012(2) SCC 382.

3. The custody certificate dated 04.05.2023 filed by learned State counsel, which is taken on record. As per the same, the petitioner is behind bars for the last 9 months and 14 days.

4. He opposes the bail on the ground that the petitioner is a part of the group that deals in fake currency notes and Rs.1600/- counterfeit currency notes had been recovered from him along with a motorcycle. He is however unable to controvert the submissions with regard to stage of the case, petitioner being on bail in two other cases and co-accused also having been granted bail.

5. Heard.

6. Hon'ble The Supreme Court of India in the case of **Maulana Mohd. Amir Rashadi** (*Supra*) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

7. In view of the facts and circumstances of the case, in particular that the petitioner has been in custody for the last 9 months and 14 days; co-accused have already been granted regular bail; challan stands presented on 20.09.2022, however, charges are yet to be framed; in all there are 13 prosecution witnesses, the trial is likely to take a considerable time, his further incarceration would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

8. As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the

satisfaction of trial Court/Duty Magistrate concerned and subject to his not being required in any other case. The petitioner shall abide by the following conditions:-

1. The petitioner will not tamper with the evidence during the trial.
 2. The petitioner will not pressurize/ intimidate the prosecution witnesses.
 3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
 4. The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
 5. The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
 6. The petitioner shall not in any manner misuse his liberty.
 7. The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
 8. The petitioner shall deposit his passport, if any, with the Trial Court forthwith and in case, he does not have the passport, he shall furnish a specific affidavit in this regard.
9. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.
10. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

May 08, 2023
M.Kamra

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No