

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

232

CRM-M-37894-2023 (O&M)

Date of decision: 10.08.2023

Baldev Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Vikram Jeet Singh, Advocate for the petitioner

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

AMAN CHAUDHARY, J.

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

2. Learned counsel contends that the petitioner is in custody for more than 1 year. Though, the petitioner was named in the FIR, however, the recovery of the counterfeit currency as well as the printer were effected from the co-accused Sandeep Singh, who has been granted bail by this Court vide order dated 03.05.2023, Annexure P-3, after being in custody for 9 months. Co-accused Nitesh Kumar @ Niteshpal and Parvez @ Bachi have also been granted regular bail by this Court vide orders dated 25.01.2023 and 08.05.2023. Recovery of Rs.500/- has been effected from the petitioner. Challan was presented on 21.09.2022 but charges have not been framed. In all there are 13 prosecution witnesses. The

petitioner is involved in one more case under the IPC, however, is on bail. In this regard, reliance is placed on the judgment of Hon'ble The Supreme Court in **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. The custody certificate dated 09.08.2023 has been filed by learned State counsel. As per the same, the petitioner is behind bars for 1 year and 10 days.

4. Learned State counsel opposes the bail on the ground that the petitioner is a part of a group that deals with fake currency notes, which were recovered from co-accused Sandeep Singh, while counterfeit currency note of Rs.500/- was recovered from the petitioner. He is however unable to controvert the submissions with regard to stage of case, co-accused having been granted bail and the petitioner being on bail in another case.

5. Heard.

6. Hon'ble The Supreme Court 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 the possibility of fleeing away from the jurisdiction of the Court etc."

7. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 1 year and 10 days; on bail in another case; co-accused having been granted bail; challan stands presented on 21.09.2022, however, charges are yet to be framed and in all there are 13 prosecution witnesses, the trial is likely to take a considerable time, thus his further

incarceration would not serve any useful purpose, 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:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) 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.
- (v) 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.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) 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.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

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 are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

August 10, 2023
M.Kamra

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