

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.1641 of 2024
Reserved on: 13.08.2024
Pronounced on: 30.08.2024

Balwinder Singh @ Balviner Singh alias Bittu ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Lupil Gupta, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
208	06.12.2023	City Fazilka, District Faridkot	489-B, 489-C IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, 1973, seeking regular bail.

2. In paragraph 27 of the bail petition, the accused declares that he has no criminal antecedents

3. Facts of the case are being taken from reply dated 12.08.2024 which are reproduced as under:

“3. That the brief facts of the case are as under:

a) That on 06.12.2023 police party headed by ASI Jatinder Singh in connection with patrolling and checking of suspected persons was present in the area of MR College Chowk, Fazilka, where a secret informer gave information to the effect that Gurmeet Singh alias Kaka son of Maghar Singh, Kulwant Singh alias Billa son of Des Singh residents of village Kotha Thagni and petitioner Balwinder Singh alias Bittu were present in the area of Multani Chungi (Octroi), Fazilka alongwith fake currency and they are trying to use the fake currency notes in the market by pretending it to be genuine and if a raid is conducted right now, they can be apprehended alongwith fake currency. Considering the information to be credible, initially, FIR No.208 dated 06.12.2023 under sections 489-B, 489-C IPC, Police Station City

Fazilka, District Fazilka was registered against the petitioner and other aforesaid co-accused.

b) That thereafter, ASI Jatinder Singh along with police party conducted raid at the disclosed place and apprehended present petitioner Balwinder Singh alias Bittu, Kulwant Singh alias Billa and Gurmeet Singh alias Kaka. Efforts were made to join public witness before conducting search of aforesaid witnesses, but no one was available. Upon search of aforesaid accused, 50 fake currency notes worth Rs.25,000/- of the denomination Rs.500/- each were recovered of from petitioner/accused Balwinder Singh alias Bittu, while fake currency notes worth Rs.5000/- each were recovered from accused Gurmeet Singh alias Kaka and Kulwant Singh alias Billa of the denomination of Rs.500/- each, thus total fake currency notes of Rs.35,000/- police custody vide were taken into separate recovery memo (s) and all the said accused were arrested as per law.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State opposes bail and has referred to para 5 of the reply which reads as follows:

“That the role of petitioner in commission of offence is that petitioner was apprehended at the spot as per secret information. The secret information was further corroborated by recovery of fake currency notes worth Rs.25000/- from the petitioner apart from other accused. Moreover, during police remand, the present petitioner has categorically confessed that he had purchased the said fake currency notes from co-accused Gurbachan Singh. Therefore, the petitioner cannot shirk his criminal liability. “

6. As per custody certificate, the petitioner is in custody since 08.12.2023 and petitioner's total custody in this FIR is eight months and four days. Given the currency involved viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order.

7. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

8. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any

nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

9. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

10. This order is subject to the petitioner’s complying with the following terms. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

11. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

12. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

13. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

30.08.2024
Sonia Puri

Whether speaking/reasoned: Yes
Whether reportable: No.