

230 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9668-2024
Date of decision : 29.02.2024

FARMAN SHEKH ALIAS JAVEDPetitioner

Versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Mohd. Yousaf, Advocate
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.106 dated 21.07.2022 registered for the offences punishable under Sections 489-A, 489-B, 489-C, 411, 420, 379 and 201 of the Indian Penal Code, at Police Station City Khanna , District Ludhiana.

2. FIR was registered on the secret information to the following effect :

"To SHO, P.S. City Khanna, Jai Hind, Today INSP/SHO along with Mukhtiar Singh 101/Khanna, ASI Lakhwinder Singh, 739/Khanna, Constable Simranjit Singh 905/Khanna were on patrolling on government vehicle No. PB-10-GK-6172 whose drive was Constable Paramjit Singh 932/Khanna and were present near bus stand Samadhi Road, Khanna where at about 9:40 p.m. the secret informer met and informed him that Parvez

@ Bachi son of A Sham Singh resident of Uttam Nagar Khanna, Nitesh Kumar Golu @ Nagar, Street No.01, H. No. 390, Near Electricity Office, Mandi Gobindgarh District Fatehgarh Sahib, Gagandeep Singh son of Kuldeep Singh resident of new Abadi Khanna, Sandeep Singh and Baldev Singh sons of Paramjit Singh residing as tenants at Bunty Painter's house, Marria Wala Road, Khanna are doing the illegal business of fake currency notes and they also used to commit theft of motorcycles. They are present near court complex, Rattanheri Phatak Road, Khanna, where they are giving fake /forged currency notes to the innocent people fraudulently and they also use these forged currency notes at small shops fraudulently. They are having two stolen motorcycles bearing No. PB-23-V-2918 and PB-48-E-6705. If the raid is conducted immediately at the informed place, then they can be apprehended and forged /fake currency notes as well as stolen motorcycle can be recovered from them. Finding the information reliable, Inspector Kuljinder Singh scribed ruqa and sent the same to P.S. City Khanna. Sd/- Kuljinder Singh INSP."

3. The said four persons were apprehended. As per the case of the prosecution Parvesh @ Bachi after arrest suffered a disclosure wherein he named the present petitioner. Petitioner was arrested on 24th of September, 2023 and since then he is in custody. Parvesh @ Bachi who named the petitioner stands admitted to bail vide order dated 8th of May, 2023 passed in CRM-M-13006-2023 by Co-ordinate Bench observing as under:

"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.”

4. Counsel for the State fairly submits that apart from the disclosure of Parvesh @ Bachi there is nothing incriminating against the petitioner.

5. I have heard counsel for the parties and have gone through records of the case.

6. In view of above, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned and subject to his not being required in any other case.

7. The petitioner shall also 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.

8. 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.
9. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

February 29, 2024		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No