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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18519-2023

Date of Decision: 05.03.2024

Nawab alias Firoz

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Ms. Jasneet Mehra, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.168 dated 21.11.2021 registered under Sections 489-A, 489-B, 489-C, 489-D of IPC, at Police Station Balongi, District SAS Nagar.
2. The FIR in the present case was got registered by Bhagat Ram, ASI and the same has been reproduced below:-

“ I ASI along with Amrik Singh Constable no. 1610/SAS Nagar, Constable Jagdeep Khan no. 2044/ SAS Nagar and PHC Dharam Singh were doing patrolling and checking of private vehicles and suspicious persons and were present at Tax Barrier and at about 6:00 PM, a secret informer came and gave information that Nawab @ Firoz son of Amir Hussain r/o Village Kumurpur Nankar P.S Milkhnam Tehsil Savarjila Rmapur Muradabad, UP, presently resident of yellow PG Ekta Colony 'Bolongi who does the work of care-taker in yellow PG, and Bijender r/o Hisar Haryana, both the persons together produce

fake Indian Currency and circulate the same in the market and thereby commit fraud with public and Government of India. If a raid is conducted right now, then huge quantity of fake currency and material used to make the same can be recovered. Nawab @ Firoz and Bijender are therefore liable under section 489A, 489B, 489C, 489D IPC. upon which rugga in regard to registering a case against Nawab @ Firoz and Bijender was sent by hand through PHC Dharam Singh to police station Balongi Case be registered and the number be tallied from the file. I along with other officials, am busy in investigation. Old tax barrier Balongi at 6:30 pm Bhagat Ram ASI P.S Balongi date 21-11-2021.”

3. Learned counsel for the petitioner submits that the earlier bail applications were withdrawn by the petitioner on 25.03.2022 and 11.01.2023. Now, the petitioner has undergone more than 2 years and 3 months and the trial has not progressed much in the present case as only 04 witnesses, out of total 11 witnesses, have been examined so far. She further contends that the petitioner was arrested in the present case on 21.11.2021 and the prosecution has intentionally delayed the trial before the trial Court, so as to ensure the longer custody of the petitioner as an under trial prisoner. She further contends that the petitioner had undergone a surgery of his leg and is unable to move properly. Apart from that, the alleged place of recovery was a Paying Guest House and no independent witness was joined at the time of making the alleged recovery.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner and submits that one more case under Section 377 IPC was ordered to be registered against the present petitioner and the petitioner does not deserve the concession of bail by this Court.

5. I have heard the learned counsel for the parties and perused the record.

6. The petitioner was arrested in the present case on 21.11.2021 and is in custody for the last more than 02 years and 03 months. Apart from that, the prosecution has also been able to examine only 4 witnesses, out of total 11 witnesses and the conclusion of the trial may take quite a long time and further custody of the petitioner will not serve any meaningful purpose.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in

accordance with law, while accepting the bails bonds and surety bonds of the petitioner.
(viii) The petitioner shall report every 1st Monday in English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the rojnamcha. In case, he does not report on every 1st Monday before the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Punjab shall be at liberty to move an appropriate application in this regard.

05.03.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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