



202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19873 of 2024
Date of Decision: 11.07.2024

Anil Kumar @ Kakku ...Petitioner
vs.
State of Punjab ...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. P.S.Sekhon, Advocate
for the petitioner.

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

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr.P.C. with a prayer to grant regular bail to him in case FIR No.298 dated 30.09.2023 registered under Sections 489-A, 489-B, 489-C of IPC, at Police Station Sadar Mansa, District Mansa.

2. As per case of the prosecution, the FIR in the present case was registered on the basis of the statement made by ASI Tarsem Singh. As per him, on getting the secret information, he alongwith other police officials had apprehended Anil Kumar @ Kakku son of Chiranji Lal, resident of village Mahmedke, at Police Station Ratia and he was found in possession of 118 counterfeit currency notes of denomination of Rs.500/-. The counterfeit currency notes were taken into possession by the police team after following the due process of law and Anil Kumar @ Kakku was arrested. In fact, he was



roaming in the area for the purpose of circulating the counterfeit Indian currency notes and the FIR in the present case was registered against him.

3. Learned counsel for the petitioner submits that on 25.09.2023, a car had hit a motorcycle and was found in an abandoned condition. Country-made liquor was found in the said car and an FIR under Section 61 of Punjab Excise Act as well as Sections 279, 337, 427 of IPC were ordered to be registered against the present petitioner. The petitioner has been falsely involved in the present case also and no recovery was effected from him. He further contends that even the counterfeit currency notes, which were allegedly recovered from the petitioner, are easily available from the toy shops and no offence under Section 489-A, 489-B and 489-C of IPC is made out against the present petitioner. He further contends that even the prosecution case is based on the statements of three official witnesses and no public witness was joined at the time of recovery from the petitioner. He further contends that even though, several other cases were ordered to be registered against the petitioner, however, the petitioner is on bail in most of those cases. The petitioner was arrested in the present case on 30.09.2023 and his further custody will not serve any meaningful purpose.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that apart from that the cases under Excise Act, one case FIR No. 156 dated 18.09.2023 under Sections 21 and 29 of NDPS Act, Police Station Boha were ordered to be registered against the present petitioner. However, he is on bail in the said case, under NDPS Act.



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

6. In the present case, the petitioner was arrested on 30.09.2023 and is in custody for the last more than 09 months. Even though, the petitioner was involved in several other cases, however, the petitioner is on bail in majority of the cases. Still it cannot be a ground for rejection of bail, when the petitioner has been able to make out a case for grant of bail in the facts and circumstances of the present case. The reliance can be placed on the law laid down by the Hon'ble Supreme Court in the matter of "***Prabhakar Tewari Vs. State of U.P., and another***" 2020(1) R.C.R. (Criminal) 831 where it has been held that the pendency of several criminal cases against the accused cannot be the basis to refuse the prayer of bail. Similar observations have been made by the Hon'ble Supreme Court in the matter of "***Maulana Mohd. Amir Rashadi Vs. State of U.P., and another***" 2012(1) R.C.R. (Criminal) 586.

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.

11.07.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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