

CRM-M-25695-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25695-2024
Reserved on: 09.08.2024
Pronounced on: 30.08.2024

Naresh Kumar ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rapton Bedi, Advocate
for the petitioner.

Mr. Sukhdev Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
49	03.04.2024	City Sunam, District Sangrur	489-B & 489-C IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 CrPC, 1973, seeking anticipatory bail.
2. In paragraph 13 of the bail petition, the accused declares that he has no criminal antecedents.
3. Facts of the case are being taken from reply dated 08.07.2024, which reads as follows:-

“That pursuant to the said order, it is submitted that the brief facts of case/FIR No. 49 dated 03.04.2024 under section 489-B,489-C IPC Police Station, City Sunam are that on 03.04.2024 ASI Darshan Singh 2139/SGR Police Post, City Sunam alongwith police party was present at grain market Sunam, at about 9:30 PM, a secret informer gave him information Kiranjeet Singh alias Karan son of Maghar Singh resident of Parmanand Basti, City Sunam and Prabhjot Singh alias Prabh son of Daljit Singh resident of Backside National Dhaba, Sangrur Road, Sunam, District Sangrur are in the habit of possessing fake currency and operating it further. Even today, they will come to wine shop to purchase liquor at New Anaj Mandi Sunam on motor cycle along with fake currency. The information was true and reliable. The act of Kiranjeet Singh @ Karan and Prabhjot Singh @ Prabhu of keeping the fake currency in their possession, fulfills the definition of offence u/s 489-B,489-C IPC. Then, ASI Darshan Singh by sending the ruqa to the Police Station got registered the present FIR against Kiranjeet Singh @ Karan and Prabhjot

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Singh @ Prabhu.

3. That during the investigation ASI Darshan Singh alongwith police party reached at grain market Sunam and started checking after conducting nakabandi nearby the wine shop, where two person came on motorcycle, who on seeing the police party, tried to turn the motorcycle backward and the pillion rider fell down from the motorcycle, however, driver of the said motorcycle succeeded to fled away from the spot and the person, who fell down from the motorcycle, after throwing transparent polythene envelope on the ground, tried to fled away, however, he was apprehended and asked about his name and address, who disclosed his name as Kiranjeet Singh @ Karan s/o Maghar Singh r/o Parmanand Basti, near Mata Modi, Chowk, Sunam, District Sangrur and on asking, he disclosed the name of person, who fled away from the spot, as Prabhjot Singh @ Prabhu s/o Daljit Singh r/o Backside National Dhaba, Sangrur Road, Sunam and he also said about the fake currency notes in the polythene envelope thrown by him. On checking the polythene envelope 6 notes bearing no 2DK 543467, 2DK 543518, 2DK 543533, 2DK 543535, 2DK 543463 and 2DK 543602, each denomination of Rs. 500/- (total rupees 3000/- of fake currency) were recovered.”

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 referred to para 8 of the reply, which reads as follows:

“The present FIR was registered against Kiranjeet Singh @Karan and Prabhjot Singh @ Prabhu on the basis of secret information received by ASI Darshan Singh. During nakabandi held at Grain market Sunam, nearby the wine shop, accused Kiranjeet Singh @Karan was apprehended, however, accused Prabhjot Singh @ Prabhu succeeded to fled away from the spot alongwith motorcycle. On conducting search of polythene envelope thrown by Kiranjeet Singh @ Karan, 6 fake currency notes each denomination of Rs. 500/- (total Rs.3000/-of fake currency) were recovered from his possession. On the basis of disclosure made by accused Kiranjeet Singh @ Karan, Maninder singh @ Goldy and Naresh Kumar (present petitioner) were nominated as accused in this case on 08.04.2024. So, a specific role is attributed to the petitioner in the commission of present offence.”

6. Given the quality of the evidence collected, 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 custodial interrogation or the pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order. 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.

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7. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

8. 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)	

9. 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.

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

11. 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.

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

(ANOOP CHITKARA)
JUDGE

30.08.2024
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.