

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT,
PESHAWAR
(Judicial Department)

Cr.Misc.BA No.1931-P/2015

Date of hearing: _____

Petitioner (s) : _____

Respondent (s) : _____

JUDGMENT

ASSADULLAH KHAN CHAMMKANI, J.- Petitioner

Ahmadullah, seeks bail in case FiR No.1348 dated 29.09.2015, registered under section 489-B PPC, in police Station Hayat Abad Peshawar.

2. Allegations against the petitioner are that on 29.09.2015 at 2100 hours, on Jamrod road near Karkhano market, falls within the limits of Police Station Hayatabad Peshawar, the local police recovered Pakistani currency amounting to Rs.1600570/- and 6500 fake US dollars from his motorcar alongwith other articles such as his driving and arms licenses etc.

3. Arguments heard and record perused.

4. It appears from the record that besides the alleged fake U.S. dollars a huge quantity of Pakistani currency has also been shown recovered from possession

of the petitioner, but the same is genuine. As per record petitioner is a business man and is running his business in Karkhano market, Peshawar. Section 489-B PPC deals with using as genuine, forged or counterfeit currency-notes or bank-notes. There is no allegation of using of the alleged fake U.S. dollars by the petitioner. At the most, the case of the petitioner would fall within preview of section 489-C PPC, according to which whoever has in his possession any forged or counterfeit currency-note or bank-note, knowing or having reason to believe the same to be forged or counterfeit and intending to use the same as genuine or that it may be used as genuine, shall be punished with imprisonment of either description for a term which may extent to seven years or with fine or with both. It is settled that in case of two punishments provided for an offence, the lesser one is to be taken into consideration against the accused at bail stage. So in this way, the lesser punishment would be fine only. Besides, the pre-requisites to constitute the offence under section 489-C PPC, i.e. knowledge of the petitioner qua the recovered currency to be forged and his intention to use the same as genuine or his knowledge that it may be used as genuine, are yet to be determined during trial, after recording evidence. No Report of the Currency Expert qua

genuineness or otherwise of the recovered dollars is available on file, so on this score too, the case of the petitioner is arguable for the purpose of bail.

5. Accordingly, this petition is allowed. Accused/petitioner is admitted to bail provided he furnishes bail bonds in the sum of Rs.3,00,000/- with two local, reliable and resourceful sureties each in the like amount to the satisfaction of learned Illaqa Judicial Magistrate/MOD, concerned.

Announced
28.10.2015.

J U D G E

7. For what has been discussed above, Suo motu notice given to accused Shakir stands withdrawn. He is

admitted to bail on already existing bail bonds, on merits.
Since this court has already directed expeditious conclusion of trial while dealing with the bail petition of co-accused Farman, therefore, office is directed to send the record to the quarter concerned within two days, positively.

announced:
19.10.2015

J U D G E

