

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM No.M-28154 of 2015
Date of Decision: 08.10.2015**

Sanjeev Kumar @ Kala

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HONBLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Saurabh Sharma, Advocate
for the petitioner.

Mr. Vikas Malik, DAG, Haryana,
for the respondent-State.

DAYA CHAUDHARY J. (ORAL)

The present petition has been filed under Section 439, Cr.P.C., for grant of regular bail to the petitioner in case FIR No.8 dated 04.01.2015 registered under Sections 420, 489-A, 489-B and 489-C of Indian Penal Code at Police Station City Thanesar, District Kurukshetra.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of a secret information, whereas no currency notes were recovered from him. No independent witness was joined at the time of recovery in spite of the fact that the place from where the recovery was effected, was a public place. Learned counsel further submits that all the witnesses are official witnesses and there is no possibility of influencing them. Nothing is to be recovered from the petitioner and he is in custody since 04.01.2015.

He further submits that no other case of similar nature is pending against him. Learned counsel also submits that incomplete challan has been

presented as still it has to be verified that whether the currency notes were fake or not and without having any report, charges have also been framed by the trial Court.

Learned counsel for the State has not disputed the custody period and also the fact that no report has been received so far but the charges have been framed.

In view of the submissions made by learned counsel for the petitioner and also the fact that incomplete challan was presented; the charges have also been framed without having the report as it cannot be said at this stage as to whether the currency notes, which were alleged to be recovered from the petitioner, were fake or not; all the witnesses are official witnesses; there is no possibility of influencing them and the petitioner is in custody since 04.01.2015, the present petition is allowed. The petitioner, namely, Sanjeev Kumar @ Kala is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

However, the trial Court is also directed to send the report as to how the charges have been framed without receiving any report with regard to counterfeiting of the currency notes.

08.10.2015
Bhumika

(DAYA CHAUDHARY)
JUDGE