

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

CRM-M-33969-2015 (O&M)

Date of Decision: October 08, 2015

Jagbir

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Kunal Dawar, Advocate
for the petitioner.

Mr.Pawan Gaur, DAG, Haryana.

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1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J.(Oral)

Prayer in this petition, filed under Section 439, Cr.P.C., is for grant of bail to the petitioner, Jagbir, son of Chunni Lal, caste Khatri, resident of village Lalwa, Tehsil and District, Palwal, who has been booked for having committed the offences punishable under Sections 489-B and 489-C read with Section 34,IPC, in a case arising out of FIR No.128, dated 16.04.2015, registered at Police Station, Chandhut, District Palwal.

Learned counsel contends that as per prosecution version the petitioner was arrested while he was in possession of ₹40,000/- (Rupees forty thousand only) counterfeit currency notes and thereafter ₹50,000/- (Rupees fifty thousand only) counterfeit currency notes were also also recovered at his behest. Despite availability, no independent witness was joined and that the Investigating Agency could not arrest the person from whom the petitioner alleged to have received the said amount. He further points out that during investigation, the Investigating Agency has failed to substantiate that the petitioner wanted to use the said fake currency alleged to have been recovered from him (petitioner). He further points out that applicability of Section 489-B, IPC, would be a moot point during trial and that Section 489-C, IPC, is bailable offence. He further points out that the petitioner, who is an ex-serviceman, is behind the bars from 16.04.2015 and after completion of the investigation, the charge-sheet (challan) has already been presented and after framing of the charges, the prosecution evidence is going on and, as such, further incarceration of the petitioner would not be of any consequence.

Learned counsel for the State submits that the

petitioner has committed a heinous crime by receiving the counterfeit currency notes from one Fattu.

After hearing the rival contentions of learned counsel for the parties, this Court finds that the petitioner, who is behind the bars from 16.04.2015 and after completion of the investigation, the charge-sheet (challan) has already been presented, therefore, further incarceration of the petitioner does not appear to be of any consequence. Resultantly, the present petition is allowed. Petitioner, Jagbir, son of Chunni Lal, caste Khatri, resident of village Lalwa, Tehsil and District, Palwal, is ordered to be released on bail during pendency of the trial of the present case subject to his furnishing bonds in the sum of ₹1,00,000/- (Rupees one lac only) with two sureties in the like amount to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate, Palwal.

October 08, 2015
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(NARESH KUMAR SANGHI)
JUDGE