

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

CRM-M-34986-2015 (O&M)

Date of Decision: October 16, 2015

Sunder

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Kartar Singh, 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 regular bail to the petitioner, Sunder, son of
Sh.Balram, Caste Jat, Occupation Agriculturist, resident of village
Maroli, Police Station, Hodal, 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 ₹10,000/- (Rupees ten thousand only) counterfeit currency notes. 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 fake currency. 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. It has also been pointed out that petitioner is behind the bars from 16.04.2015 and after completion of the investigation, the charge-sheet (challan) has already been presented, even the charge has been framed and the case is fixed before learned trial Court for prosecution evidence. It has also been submitted that Jagbir, the co-accused of the petitioner was granted bail by this Court vide order, dated 08.10.2015 passed in CRM-M-33969-2015.

Learned counsel for the State has not controverted the

factual aspects of the case. However, he has opposed the grant of bail to the petitioner.

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, Sunder, son of Sh.Balram, Caste Jat, Occupation Agriculturist, resident of village Maroli, Police Station, Hodal, 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 16, 2015
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(NARESH KUMAR SANGHI)
JUDGE