

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

**CRM-M-8345 of 2015(O&M)
Date of decision : 27.05.2015**

Jai Parkash

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Arvind Singh, Advocate
for the petitioner.

Mr.R.S.Doon, AAG, Haryana.

DARSHAN SINGH,J(Oral)

1. This is the second petition filed by petitioner Jai Parkash under Section 439 Cr.P.C for grant of regular bail in case FIR No. 148 dated 05.08.2014, under Sections 489-B, 489-C of Indian Penal Code (for short IPC), registered at Police Station Sadhaura, District Yamuna Nagar.

2. As per the prosecution allegations, on the basis of some secret information co-accused Sandeep and Chanchal were apprehended by the police. From their search 10 bundles of fake currency notes of denomination of

Rs.1000/- each were recovered. During investigation, on interrogation of the co-accused, the name of the present petitioner also figured and was arrested on 12.08.2014. Fake currency notes of Rs.11000/- were recovered from him. Initially, he was granted bail under Section 167(2) Cr.P.C due to failure of the police to file the challan within a period of 60 days, but the revision against that order was allowed and petitioner again surrendered before the trial Court on 11.12.2014. Since then he is in custody. His application for grant of bail was dismissed by the learned trial Court. His first petition moved before this Court bearing CRM-M-44105 of 2014 was dismissed as withdrawn on 15.1.2015. Hence this petition.

3. Learned counsel for the petition contended that the petitioner has been falsely implicated in this case on the basis of the disclosure statement of the accused. The fake currency notes have been planted upon him just to involve him in this case. The disclosure statement of co-accused Rishipal is not admissible against the petitioner. The offences punishable under Section 489-A and 489-B of IPC are not made out against the petitioner even taking the allegations of the prosecution on face value. The allegations against the petitioner are only for having in his possession counterfeit notes of Rs.11000/- only at the most it can

attract Section 489-C IPC. He contended that the petitioner has remained in custody for the last seven months. The trial of the case will take time. So, he deserves the concession of bail.

4. On the other hand, learned State counsel pleaded that the petitioner has indulged in dealing with the fake currency notes. The fake currency notes of Rs.11000/- were recovered from his possession. So, he does not deserves the concession of bail.

5. I have duly considered the aforesaid contentions.

6. Even as per the prosecution case, the present petitioner was found in possession of counterfeit notes of Rs.11000/-. It is quite debatable as to whether the offence punishable under Section 489-A and 489-B shall be attracted against the present petitioner or not. It is also the matter of evidence as to what connection the present petitioner had with main accused Sandeep and Chanchal. There is no denial to the fact that the present petitioner has remained in custody in this case for a period of more than seven months. The case is still pending at the stage of trial. The conclusion thereof will take time. Further detention of the petitioner in jail will not serve any purpose. It is settled principle of law that the concession of bail should not be denied as a measure of punishment.

7. Thus, without expressing anything on the merits of the case, the present petition is hereby allowed and petitioner Jai Parkash is ordered to be released on bail on furnishing the requisite bail bonds to the satisfaction of learned Chief Judicial Magistrate/ Duty Magistrate, Yamunanagar.

27.05.2015

s.khan

**(DARSHAN SINGH)
JUDGE**