

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

215

CRM-M-12114 of 2017

Decided on : 24.04.2017

Charanjit Singh

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM : HON'BLE MR.JUSTICE DARSHAN SINGH

Present : Mr.Amandeep Singh, Advocate
for the petitioner.
Mr.VPS Sidhu, AAG, Punjab.

Darshan Singh , J. (Oral)

Present petition has been moved by the accused-petitioner, Charanjit Singh for grant of regular bail in case FIR No.33, dated 11.02.2017, registered under Sections 489-B and 489-C of the Indian Penal Code (for short the 'IPC'), at Police Station Division No.1, District Ludhiana.

As per allegation of the prosecution, on the basis of secret information, 150 fake currency notes of denomination of Rs.100/- each were recovered from the possession of the petitioner. The petitioner was arrested on 11.02.2017 and since then, he is in custody. His application for grant of regular bail has been dismissed by the learned Additional Session Judge, Ludhiana vide order dated 10.03.2017.

Learned counsel for the petitioner contended that ingredients of the offense punishable under Section 489-B of the IPC are not made out whereas the offense punishable under Section 489-C of the IPC is

bailable. He further contended that even otherwise the recovery had already been effected and the petitioner is no longer required for further investigation. There is no material on record to show that the petitioner is involved in any such activities prior thereto.

Learned State counsel has opposed the aforesaid prayer on the plea that the fake currency notes have been recovered from the possession of the petitioner and he was using the said fake currency notes to give as a change to other three wheeler drivers.

The aforesaid contentions have been duly considered.

As per the prosecution allegation, on the basis of secret information, 150 fake currency notes of denomination of Rs.100/- each were recovered from the petitioner. It has been fairly conceded at bar by learned State counsel on the basis of instructions from ASI-Jaswinder Singh, who is the investigating officer of the case, that so far, no statement of any witness has been recorded, who might have received the fake currency as a change from the petitioner.

It is debatable as to whether the offense punishable under Section 489-B, IPC shall be attracted or not, which shall be considered by the learned trial court at the appropriate stage.

There is no denial to the fact that the petitioner is in custody for the last more than two months. There is no material on record to show that he had indulged in any such activities prior to the present case. He is no longer required for the purpose of further investigation. So his further detention will not serve any purpose.

Thus, the present petition is hereby allowed. Petitioner,

Charanjit Singh son of Major Singh, is ordered to be released on bail on
furnishing personal/surety bonds to the satisfaction of the learned Chief
Judicial Magistrate, Ludhiana.

24.04.2017
sd

[Darshan Singh]
Judge

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No