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

CRM-M-36067 of 2019

Date of decision: October 17, 2019

Ankur Rathore

.....Petitioner

Versus

State of U.T. Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Robin Singh Hooda, Advocate for the petitioner.

Mr. Rajiv Vij, A.P.P., UT, Chandigarh

MAHABIR SINGH SINDHU, J

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail pending trial to the petitioner, in FIR No.338 dated 20.11.2018, under Sections 489-B and 489-C of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station West Sector 11, Chandigarh.

Allegation of the prosecution is that 26000 fake US Dollars were recovered from a bag in liquor shop Sector 24, Chandigarh along with passport of the petitioner.

It is contended by learned counsel for the petitioner that petitioner is in custody since 17.07.2019 and is not denying the recovery, but his explanation is that duplicate currency was purchased from a sovereign shop while visiting Cambodia for preparing garland at the time of marriage of his brother.

Learned State counsel has acknowledged that factum of marriage of petitioner's brother as well as his visit to Cambodia was duly

substantiated during investigation and even invitation card was also recovered. Since the recovery is not denied by the petitioner and his justification is that these dollars were not used as fake currency; rather meant for the purposes of garland in the marriage. Thus, it would be a debatable question as to whether the petitioner has committed any offence under Section 489-B/489-C or not? The challan has already been presented and charges are yet to be framed; trial of the case is likely to take long time, therefore, further incarceration of the petitioner would not serve any purpose.

In view of the above-said circumstances, without expressing any opinion on merits of the case, this petition is allowed and petitioner Ankur Rathore be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate, concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

The petitioner shall fully co-operate with learned trial Court without seeking any unnecessary adjournments

(MAHABIR SINGH SINDHU)
JUDGE

October 17, 2019

Ankur

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No