

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-37268 of 2019
Date of Decision: 10.09.2019

Deepak @ Vikram

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Abhimanyu Kaly, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.28 dated 21.01.2019 registered for offences punishable under Sections 489-B and 489-C of Indian Penal Code (for short, "IPC") at Police Station Sarai Khawala, District Faridabad.

Heard.

Notice of motion.

On asking of the Court, Mr. Munish Sharma, AAG Haryana, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

Learned counsel for petitioner submits that the petitioner has not been named in the FIR. Recovery of counterfeit currency was effected from Kuldeep son of Sube Singh. On his disclosure statement, petitioner was arrested and recovery of 50 notes of counterfeit currency of the denomination of ₹2000/- were effected from him. The petitioner was

arrested on 31.01.2019 and till date prosecution has not examined even a single witness.

Learned State counsel submits that after presentation of challan, charge has been framed against the petitioner. However, prosecution has not examined any witness so far. The case is now fixed for 24.09.2019 for recording of prosecution evidence.

The petitioner is resident of West Bengal and learned lower Court has refused the bail to him on the ground that he may abscond and may not appear.

Without expressing any opinion on merits of the case and keeping in view the fact that petitioner is in custody for the last more than seven months and that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Deepak @ Vikram is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

Trial Court/CJM/Duty Magistrate will ensure/verify solvency of surety before releasing the petitioner on bail.

September 10, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No