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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 1779/2019**

MOHD SAMEER KHAN

..... Petitioner

Through **Mr.M.L. Yadav, Adv.**

versus

STATE

..... Respondent

Through **Mr.Panna Lal Sharma, APP for State.
Insp.Lalit Kumar & SI Prem Kumar,
Spl. Staff/ Central Distt. & SI
Gajender/IO.**

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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16.12.2019

Vide the present petition, the petitioner seeks bail in pursuance to FIR No.111/2017 dated 06.09.2017 registered at Police Station Hauz Qazi, District Central Delhi.

The case of the prosecution is that at around 09:00 p.m. on 06.09.2017, one boy came from Hauz Qazi chowk side and was waiting for somebody while standing near 'Kuda-Khatta' when the secret informer gave signal to him. Accordingly, Ct. Suresh approached the said boy and gave five currency note of ₹100/- and one currency note of ₹500/- denomination which is alleged to have been received by the said boy who kept the same in his left pocket of his pant. Thereafter, he took out currency of notes of ₹100/- and ₹500/- denomination from the right pocket. At the same time, ASI along with Ct. Suresh by exercising his powers, overpowered said boy

whose name and address after inquiry was stated to be as Sameer Khan s/o Haji Hameed Khan, r/o House No.949, Gali Chasrin Farash Khana, Delhi-110006 aged about 32 years. Thereafter, they conducted the search and recovered the original currency notes of ₹100/- and ₹500/- denomination from his left side pocket of his pant, which were used for purchasing the currency by the decoy and also received 35 currency notes of ₹500/- denomination and 80 currency notes of ₹100 denomination.

Counsel appearing on behalf of the petitioner submits that upon comparison of the original notes and fake notes and on checking the security features and water mark of Gandhiji, in all recovered currency of ₹100/- and ₹500/- denomination. Photograph of Gandhiji was not available and the colour of the currency notes was less shining and foggy in comparison to the original notes and immediately after seeing the same, currency appearing to be fake which were allegedly recovered from the accused Sameer and the same was sealed as V.K. and taken into custody marked as S.No. A, wherein there are 35 fake currency notes of ₹500/- denomination and 80 fake currency notes of ₹100/- denomination, placed in a plastic box and closed with doctor tape affixing the seal of VK.

Learned counsel appearing on behalf of the petitioner further submits, petitioner is in JC since 06.09.2017 and only two witnesses have been examined till date out of 9 witnesses.

Learned APP submits that hard disk recovered from the CPU of the petitioner is recently sent for examination to the FSL, however, the report is awaited.

This Court put a specific query to Insp.Lalit Kumar, who is personally present in Court that why the hard disk was not sent during investigation.

He replied that the IO of the case was someone else and since he is posted as Special Staff/Central District so he has come to assist the court. However, could not explain as to why hard disk was not sent to the FSL immediately. Moreover, the print outs from the said computer have not been recovered to compare whether he was printing the fake currency notes from the same machine or he was procuring them from other sources.

In view of above, without commenting upon the merits of the prosecution case and the fact that the petitioner is in judicial custody since 06.09.2017, this Court is inclined to grant bail to the petitioner.

Accordingly, he shall be released on bail, on his furnishing a personal bond of ₹25,000/- with one surety of the like amount to the satisfaction of the Trial Court.

The petitioner shall cooperate with the investigation and make himself available for interrogation by police officer, as and when required.

In case of default of aforementioned conditions, the State is at liberty to take appropriate recourse in accordance with law.

The petition is allowed and disposed of.

Order dasti under signatures of the Court Master.

SURESH KUMAR KAIT, J

DECEMBER 16, 2019

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