

213.

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

CRM-M-33189-2020

Date of decision: 01.12.2020

VARINDER SINGH

... Petitioner

versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. P.K.S. Phoolka, Advocate,
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner, pending trial, in case FIR No.29 dated 22.03.2020 registered under Sections 489-A, 489-B, 489-C, 489-D, 489-E, 420 of IPC and Section 22 of NDPS Act at Police Station Canal Nandgarh, District Bathinda.

Counsel for the petitioner has argued that the petitioner is in custody since 31.03.2020. At the most, the allegation against the petitioner falls within the ambit of Section 489(C) IPC which is otherwise bailable, though triable by the Sessions Court and is non-compoundable. He submits that it is on the basis of disclosure statement of Rajdeep Singh alias Raja, the petitioner has been named as an accused and recovery of counterfeit

currency of Rs.2,70,000/- was effected from him. There is no other case against him for similar other offences.

Learned State counsel has filed the custody certificate, which is taken on record. He has not disputed the custody. He submits that on the basis of secret information, a raid was conducted at the shop of co-accused Rajdeep Singh alias Raja, who was habitual in selling intoxicant tablets and counterfeit currency at half-rate. He was apprehended while in conscious possession of 40 tablets of Alprasafe 0.5 without any permit or licence, and counterfeit currency notes of Rs.11,700/-. During investigation, Rajdeep Singh alias Raja has disclosed the name of present petitioner Varinder Singh alias Baba and the present petitioner was arrested on 31.03.2020. The petitioner suffered a disclosure statement which led the police party to his residential house and accordingly, counterfeit currency of Rs.2,70,000/- was recovered from him. During interrogation, he has also disclosed the names of other accused in his disclosure statement. He states that since huge amount was recovered from his possession, he is not entitled for bail.

I have heard learned counsel for the parties.

Petitioner is in custody since 31.03.2020. His name was cropped up on the basis of disclosure statement of co-accused Rajdeep Singh alias Raja, though on the basis of said disclosure statement, recovery of Rs.2,70,000/- was effected from the petitioner. But considering the fact that trial is not likely to be concluded in the near future and there is no allegation that the petitioner was possessing instruments or materials for forging or counterfeiting currency notes or bank notes, this Court finds that his

culpability is yet to be established during trial. The trial is not likely to be proceeded in the case on account of Covid-19 and likely to take time. Accordingly, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

01.12.2020
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No