

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17002 of 2021

Date of Decision: 30.04.2021

Sharwan Kumar

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. G.C. Shahpuri, Advocate, for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of Criminal Procedure Code for grant of regular bail in FIR No. 88 dated 12.06.2020 under Sections 489-A, 489-B, 489-C, 489-D and 201 of Indian Penal Code, 1860, registered at Police Station Sadhaura, District Yamuna Nagar. As per the FIR a complaint was made by one Summant Jain son of Khariati Lal with regard to receiving of some currency notes which were alleged to be counterfeit notes. The learned counsel for the petitioner has submitted that the petitioner is in custody, since 14.06.2020 and he has been falsely implicated in the present case. He has submitted that the petitioner was neither named in the FIR nor he was apprehended on the spot. In fact two ladies were apprehended namely Baljit Kaur and Preeto Devi and it was on the disclosure statement of Preeto Devi that the petitioner has been nominated. He further submitted that disclosure statement of a co-accused

would not carry any evidentiary value particularly in view of the fact that no recovery has been effected from the petitioner. He further submitted that the investigation of the case is already complete and the challan has already been presented and the charges have already been framed and the trial of the case would take long time and therefore, he may be considered for the grant of regular bail. He further submitted that the petitioner is more than 60 years of age and there is no other case against the petitioner.

On the other hand Mr. Naveen Singh Panwar, learned DAG, Haryana submitted that it is correct that the investigation of the case is already complete and after presentation of challan the charges have already been framed and the petitioner is in custody since 14.06.2020. He has submitted that it is also correct that no recovery has been effected from the petitioner and he was nominated on the basis of disclosure statement made by another co-accused namely Preeto Devi. However, he has opposed the grant of bail on the ground that the matter involved was serious in nature.

I have heard the learned counsel for the parties.

The custody of the petitioner is not in dispute and it is also not disputed that the investigation of the case is already complete and after presentation of challan the charges have already been framed by the trial Court. The petitioner is also stated to be not involved in any other case and it is also admitted that no recovery has been effected from the petitioner. The learned counsel for the petitioner has also brought to the notice of the Court that vide Annexure P-4 the other main co-accused namely Baljit Kaur has been granted bail by a Coordinate Bench of this Court on 08.04.2021 (Annexure P-4). Furthermore, it is not the case of the State that in case the

tamper with any evidence or he may flee from justice.

Therefore, considering the totality of circumstances in the present case, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

30.04.2021

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No