

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

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CRM-M-20998-2021

Date of Decision : June 29, 2021

HARJINDER BHARTI

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Amit Dhawan, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

Through Video Conferencing

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.222 dated 19.8.2020 under Sections 489-A, 489-B, 489-C, 489-D, 34 IPC registered at Police Station City, Hoshiarpur, District Hoshiarpur.

As per the allegations which have been contained in the FIR the Inspector, Police Station Hoshiarpur was given a secret information by some informer that four persons are sitting on scooters in the dark opposite to Tagore Park in the choe area and were talking about the printing of fake currency notes and circulating them in the market and it was further informed that they were working together as a group and in case raid is conducted they can be apprehended and the racket can be exposed which deals with the supply of currency notes in the market.

Thereafter, raid was conducted and it was seen that four persons were sitting on two Aactiva scooters who were suddenly surrounded and apprehended. Thereafter, their names were asked and on asking they told their names as Gursimranjit Singh alias Baba alias Sodhi, Jagtar Singh, Harjinder Bharti (petitioner) and Amrinder Singh Suraj. It is further stated in the FIR that before conducting their search the police tried to join the witnesses from the public but due to the curfew at 9:00 p.m. no witness from public could be joined and at that time government vehicle was also called at the spot who started the search as per rules. Thereafter, fake currency notes of Rs.200/- denomination were recovered from the right pocket of a capri worn by Gursimranjit Singh alias Baba alias Sodhi. After counting they came to be 100 i.e. total Rs.20,000/-. Then fake currency notes of Rs.500/- denomination were recovered from the right pocket of pajama worn by Amrinder Singh Suraj and after counting they came to be 100 i.e. Rs.50,000/-. Then fake currency notes of Rs.500/- denomination were recovered from the right pocket of pant worn by Jagtar Singh and after counting they came out to be 100 i.e. Rs.50,000/- and then fake currency notes of Rs.200/- denomination were recovered from the right pocket of pant worn by Harjinder Bharti (petitioner) and after counting they came to be 100 i.e. Rs.20,000/-. When they were asked about the fake currency notes recovered from them they said that Amrinder Singh Suraj is their boss and he prints fake currency notes at his home and he has kept a modern printer and laptop to print them. He also told that he has fake currency notes at his home. Harjinder Bharti (petitioner) also admitted that he also prepares fake currency notes with

the help of modern printer at his home and he also has fake currency notes at his home and he can get them recovered. They also told that since the lockdown, they also supplied fake currency notes worth Rs.15 lacs in the market. Different currency notes were recovered from all of them and Aactiva scooters without number were also taken into possession.

The learned counsel for the petitioner has submitted that the petitioner was falsely implicated in the present case at the instance of the police. He submitted that his custody has been going on since 19.8.2020 which is about 10 months and the challan has also been presented on 17.11.2020 but the charges have not been yet framed and, therefore, the petitioner should be considered for the grant of regular bail. He further submitted that the petitioner is not involved in any other case and, therefore, considering the custody period of the petitioner he may be considered for the grant of regular bail.

Per contra in defence, learned Deputy Advocate General, Punjab has vehemently opposed the grant of regular bail to the petitioner. He has submitted that although the challan in the present case stands presented on 17.11.2020 but the charges could not be framed because of the Covid-19 pandemic and restrictive functioning of the Courts. He submitted that the present petition was not maintainable in view of the fact that the petitioner had earlier also filed two regular bail petitions and had withdrawn the same. The first bail application was filed bearing CRM-M-32736-2020 vide Annexure P-2 and the same was dismissed as withdrawn on 27.11.2020. Thereafter the petitioner filed second bail

application vide CRM-M-10011-2021 (Annexure P-3) and the same was also withdrawn by the petitioner on 20.04.2021. He submitted that the present petition has been filed on 24.05.2021 after one month of the withdrawal of the earlier bail application. He submitted that there is no change of circumstance and the filing of the successive bail application within a short span of time would not be maintainable. He submitted that the challan was presented on 17.11.2020 and thereafter, the matter was kept for consideration for framing of charges but the same could not be done because of Covid-19 pandemic and there has been no change of circumstance. He further submitted that only a period of few months would not per se become a ground for maintainability of successive bail application. He has further submitted on merits that the petitioner was caught red-handed by the police party during the curfew hours and a considerable amount of counterfeit currency was recovered from him which has been detailed in the FIR itself. The petitioner was accompanied by other co-accused from whom also counterfeit currency was recovered. Thereafter, when the petitioner was arrested, on the basis of his disclosure statement, counterfeit currency of Rs.1,35,600/- was recovered apart from two tape rolls, one cutter and one laptop printer and a scanner were also recovered which are admissible under Section 27 of the Indian Evidence Act. He has further opposed the grant of regular bail to the petitioner and stated that the matter was immensely serious in nature which involves the printing and distribution of fake currency notes which affects large society as a whole. He further submitted that in case the petitioner is released on bail then there is every possibility that he may

tamper with the evidence and may influence the witness and may even flee from justice and, therefore, considering the seriousness and gravity of offence and the public interest involved, the petitioner may not be released on bail.

I have heard the learned counsel for the parties.

The petitioner had earlier filed the bail application which was dismissed as withdrawn on 27.11.2020 vide Annexure P-2 and thereafter he filed another bail application which was dismissed as withdrawn on 20.4.2021 vide Annexure P-3. From the date of the withdrawal of the earlier bail application till date there has been no change of circumstance. The challan was although presented on 27.11.2020 but the charges have not been framed in view of the fact that there was a restrictive hearings in the Courts due to Covid-19 pandemic and therefore, the long custody of the petitioner for a few months would not become per se a ground for assessing that there was a change of circumstance. Furthermore, the second bail petition was withdrawn by the petitioner on 20.04.2021 and now he has filed a third bail application after a period of just one month. Therefore, the present petition would not be maintainable at all. Even otherwise also on merits as per the arguments raised by the learned counsel for the State the petitioner was allegedly apprehended on the spot and counterfeit currency was recovered from him. Thereafter, on the basis of disclosure statement counterfeit currency of Rs.1,35,600/- alongwith two tape rolls, one cutter and one colour printer were also recovered. Although the seriousness of the offence per se would not become a ground for denial of bail but in the facts and

circumstances of the present case about four people were jointly caught from the spot and counterfeit currency was got recovered from all of them together. It is a case where large public interest is involved and the offence certainly be classified in the category of serious crime. Furthermore, it is a categorical stand of the State that in view of the nature of the offence in case the petitioner is released on bail then there is every possibility that he may flee from justice and may tamper with evidence or may influence the witnesses.

Therefore, considering the totality and circumstances of the present case, this Court does not find any ground for interference in the bail application.

Consequently, the present bail application is dismissed.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present application only.

June 29, 2021
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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No